

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 13, 2015

AMENDED IN ASSEMBLY JUNE 8, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 800

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 28, 146, 500, 650.2, 800, 1603a, 1618.5, 1640.1, 1648.10, 1650, 1695, 1695.1, 1905.1, 1944, 2054, 2401, 2428, 2529, 2650, 2770, 2770.1, 2770.2, 2770.7, 2770.8, 2770.10, 2770.11, 2770.12, 2770.13, 2835.5, ~~2914~~, 3057, 3509.5, 4836.2, 4887, 4938, 4939, 4980.399, 4980.43, 4980.54, 4984.01, 4989.34, 4992.09, 4996.2, 4996.22, 4996.28, 4999.1, 4999.2, 4999.3, 4999.4, 4999.5, 4999.7, 4999.45, 4999.46, 4999.55, 4999.76, and 4999.100 of, to amend the heading of Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2 of, and to repeal Section 1917.2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as amended, Committee on Business, Professions and Economic Development. Healing arts.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations, including those relating to the healing arts:

(1) Existing law requires persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist to have completed prescribed coursework or training in child abuse assessment and reporting. Existing law requires the training to have been obtained from an accredited or approved educational institution, a continuing education provider approved by the responsible board, or a course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved by the responsible board.

This bill would require the responsible board to specify a continuing education provider for child abuse assessment and reporting coursework by regulation, and would permit the responsible board to approve or accept a sponsored or offered course.

(2) Existing law relating to unlicensed activity enforcement lists specified provisions that require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by the department and, notwithstanding any other law, makes a violation of a listed provision punishable as an infraction under specified circumstances.

This bill would include in those listed provisions an existing requirement for the registration of individuals as certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees.

The bill would also include in those listed provisions a provision of the Educational Psychologist Practice Act that makes it unlawful for any person to practice educational psychology or use any title or letters that imply that he or she is a licensed educational psychologist unless, at the time of so doing, he or she holds a valid, unexpired, and unrevoked license under that act, the violation of which is a misdemeanor. The bill would further include in those listed provisions existing requirements of the Licensed Professional Clinical Counselor Act that a person not practice or advertise the performance of professional clinical counseling services without a license issued by the board, and pay the license fee, as required by that act, the violation of which is a misdemeanor.

By creating new infractions, this bill would impose a state-mandated local program.

(3) The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. For purposes of the act,

any reference to the Board of Dental Examiners is deemed a reference to the Dental Board of California.

This bill would delete certain existing references to the Board of Dental Examiners and, instead, refer to the Dental Board of California.

(4) Existing law provides for the regulation of dental hygienists by the Dental Hygiene Committee of California, within the jurisdiction of the Dental Board of California. Existing law authorizes the committee, until January 1, 2010, to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, and, on and after January 1, 2010, to contract with the dental board to perform investigations of applicants and licensees under those provisions. Existing law requires the committee to establish fees that relate to the licensing of a registered dental hygienist, subject to specified limitations, including fees for curriculum review and site evaluation for accreditation of educational programs.

This bill would require the Dental Hygiene Committee of California to create and maintain a central file of the names of licensees, to provide an individual historical record with information on acts of licensee misconduct and discipline. The bill would remove the limiting dates from the contracting provisions, thereby authorizing the committee to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, including performing investigations of applicants and licensees. This bill, with regard to fees for accreditation of educational programs, would add a maximum fee for feasibility study review.

(5) The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and surgeon's certificate to a licensed physician surgeon. The act prohibits a person who fails to renew his or her license within 5 years after its expiration from renewing it, and prohibits the license from being reissued, reinstated, or restored thereafter, although the act authorizes a person to apply for and obtain a new license under specified circumstances.

This bill would recast that renewal provision to prohibit renewal by a person who voluntarily cancels his or her license or who fails to renew it as described, and would authorize that person to apply for and obtain a license under those specified circumstances, without regard to reissuance, reinstatement, or restoration.

(6) Existing law relating to research psychoanalysts authorizes certain students and graduates in psychoanalysis to engage in psychoanalysis

under prescribed circumstances if they register with the Medical Board of California and present evidence of their student or graduate status. Existing law authorizes that board to suspend or revoke the exemption of those persons from licensure for unprofessional conduct for, among other things, repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities.

This bill would substitute, for those described bases for suspension or revocation of the exemption, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer.

(7) The Physical Therapy Practice Act provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. The act establishes education requirements for a physical therapist assistant, including subject matter instruction through a combination of didactic and clinical experiences, and requires the clinical experience to include at least 18 weeks of full-time experience with a variety of patients.

This bill would delete that 18-week full-time experience requirement for physical therapist assistant education.

(8) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. The act, on and after January 1, 2008, requires an applicant for initial qualification or certification as a nurse practitioner under the act who has not been qualified or certified as a nurse practitioner to meet specified requirements. Certain provisions allow the board to find other persons in practice qualified to use the title of “nurse practitioner.”

This bill would delete those title provisions.

(9) The Nursing Practice Act provides for a diversion program to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness.

This bill would instead refer to the program as an intervention program.

(10) The Optometry Practice Act provides for the licensure and regulation of optometrists by the State Board of Optometry. The act prescribes license eligibility requirements, including, but not limited to, submitting proof that the person is licensed in good standing as of the date of application in every state where he or she holds a license, including compliance with continuing education requirements, submitting proof that the person has been in active practice in a state

in which he or she is licensed for a total of at least 5,000 hours in 5 of the 7 consecutive years immediately preceding the date of his or her application, and has never had his or her license to practice optometry revoked or suspended. For purposes of those provisions, “in good standing” includes the requirement that the person has not been found mentally incompetent by a physician so that the person is unable to undertake the practice of optometry in a manner consistent with the safety of a patient or the public.

This bill would delete that active practice requirement and would require that the license have never been revoked or suspended in any state where the person holds a license. The bill, with regard to making such a finding of mental incompetence, would replace a finding by a physician with a finding by a licensed psychologist or licensed psychiatrist.

(11) The Physician Assistant Practice Act requires the Physician Assistant Board to annually elect a chairperson and vice chairperson from among its members.

This bill would require the annual election of a president and vice president.

(12) Existing law relating to veterinary medicine requires a veterinary assistant to obtain a controlled substance permit from the Veterinary Medical Board in order to administer a controlled substance, and authorizes the board to deny, revoke, or suspend the permit, after notice and hearing, for any of specified causes. Existing law authorizes the board to revoke or suspend a permit for the same.

This bill would, instead, authorize the board to suspend or revoke the controlled substance permit of a veterinary assistant, after notice and hearing, for any of specified causes, and to deny, revoke, or suspend a permit for the same.

(13) The Acupuncture Licensure Act provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. The act requires the board to issue a license to practice acupuncture to a person who meets prescribed requirements. The act requires, in the case of an applicant who has completed education and training outside the United States and Canada, documented educational training and clinical experience that meets certain standards established by the board. Existing law, commencing January 1, 2017, specifically requires the board to establish standards for the approval of educational training and clinical experience received outside the United States and Canada.

This bill would remove Canada from those provisions, thereby applying the same standards to all training and clinical experience completed outside the United States.

(14) The Licensed Marriage and Family Therapist Act provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. The act sets forth the educational and training requirements for licensure as a marriage and family therapist, including certain supervised-experience requirements whereby a prospective licensee is required to work a specified number of hours in a clinical setting under the supervision of experienced professionals. The act requires all persons to register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure. The act, with regard to interns, requires all postdegree hours of experience to be credited toward licensure, except when employed in a private practice setting, if certain conditions are met.

This bill would require postdegree hours of experience to be credited toward licensure if certain conditions are met. The bill would prohibit an applicant for licensure as a marriage and family therapist from being employed or volunteering in a private practice until registered as an intern by the board. The bill would similarly prohibit an applicant for professional clinical counselor under the Licensed Professional Clinical Counselor Act from being employed or volunteering in a private practice until registered as an intern by the board.

(15) The Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act require the Board of Behavioral Sciences to approve continuing education providers for specified educational courses relating to licensure for marriage and family therapists, educational psychologists, clinical social workers, and professional clinical counselors.

This bill would modify those acts to require the Board of Behavioral Sciences to identify, by regulation, acceptable continuing education providers.

(16) The Licensed Marriage and Family Therapist Act and the Licensed Professional Clinical Counselor Act provide for the registration of interns and allow a maximum of possible renewals after initial registration, after which a new registration number is required to be obtained. The Clinical Social Worker Practice Act provides similarly for the registration and renewal of registration of associate clinical social

workers. An applicant who is issued a subsequent number is barred from employment or volunteering in a private practice.

This bill would revise those provisions to refer throughout to subsequent registration numbers.

(17) Existing law provides for the registration of telephone medical advice services. Existing law imposes requirements for obtaining and maintaining registration, including a requirement that medical advice services be provided by specified licensed, registered, or certified health care professionals.

This bill would expand the specified health care professionals to include naturopathic doctors and licensed professional clinical counselors. The bill would require a service to notify the department of certain business changes, and to submit quarterly reports.

(18) This bill would additionally delete or update obsolete provisions and make conforming or nonsubstantive changes.

(19) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 28 of the Business and Professions Code
- 2 is amended to read:
- 3 28. (a) The Legislature finds that there is a need to ensure that
- 4 professionals of the healing arts who have demonstrable contact
- 5 with victims and potential victims of child, elder, and dependent
- 6 adult abuse, and abusers and potential abusers of children, elders,
- 7 and dependent adults are provided with adequate and appropriate
- 8 training regarding the assessment and reporting of child, elder,
- 9 and dependent adult abuse that will ameliorate, reduce, and
- 10 eliminate the trauma of abuse and neglect and ensure the reporting
- 11 of abuse in a timely manner to prevent additional occurrences.
- 12 (b) The Board of Psychology and the Board of Behavioral
- 13 Sciences shall establish required training in the area of child abuse
- 14 assessment and reporting for all persons applying for initial
- 15 licensure and renewal of a license as a psychologist, clinical social

1 worker, professional clinical counselor, or marriage and family
2 therapist. This training shall be required one time only for all
3 persons applying for initial licensure or for licensure renewal.

4 (c) All persons applying for initial licensure or renewal of a
5 license as a psychologist, clinical social worker, professional
6 clinical counselor, or marriage and family therapist shall, in
7 addition to all other requirements for licensure or renewal, have
8 completed coursework or training in child abuse assessment and
9 reporting that meets the requirements of this section, including
10 detailed knowledge of the Child Abuse and Neglect Reporting Act
11 (Article 2.5 (commencing with Section 11164) of Chapter 2 of
12 Title 1 of Part 4 of the Penal Code). The training shall meet all of
13 the following requirements:

14 (1) Be obtained from one of the following sources:

15 (A) An accredited or approved educational institution, as defined
16 in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12,
17 including extension courses offered by those institutions.

18 (B) A continuing education provider as specified by the
19 responsible board by regulation.

20 (C) A course sponsored or offered by a professional association
21 or a local, county, or state department of health or mental health
22 for continuing education and approved or accepted by the
23 responsible board.

24 (2) Have a minimum of seven contact hours.

25 (3) Include the study of the assessment and method of reporting
26 of sexual assault, neglect, severe neglect, general neglect, willful
27 cruelty or unjustifiable punishment, corporal punishment or injury,
28 and abuse in out-of-home care. The training shall also include
29 physical and behavioral indicators of abuse, crisis counseling
30 techniques, community resources, rights and responsibilities of
31 reporting, consequences of failure to report, caring for a child's
32 needs after a report is made, sensitivity to previously abused
33 children and adults, and implications and methods of treatment
34 for children and adults.

35 (4) An applicant shall provide the appropriate board with
36 documentation of completion of the required child abuse training.

37 (d) The Board of Psychology and the Board of Behavioral
38 Sciences shall exempt an applicant who applies for an exemption
39 from this section and who shows to the satisfaction of the board

1 that there would be no need for the training in his or her practice
2 because of the nature of that practice.

3 (e) It is the intent of the Legislature that a person licensed as a
4 psychologist, clinical social worker, professional clinical counselor,
5 or marriage and family therapist have minimal but appropriate
6 training in the areas of child, elder, and dependent adult abuse
7 assessment and reporting. It is not intended that, by solely
8 complying with this section, a practitioner is fully trained in the
9 subject of treatment of child, elder, and dependent adult abuse
10 victims and abusers.

11 (f) The Board of Psychology and the Board of Behavioral
12 Sciences are encouraged to include coursework regarding the
13 assessment and reporting of elder and dependent adult abuse in
14 the required training on aging and long-term care issues prior to
15 licensure or license renewal.

16 SEC. 2. Section 146 of the Business and Professions Code is
17 amended to read:

18 146. (a) Notwithstanding any other provision of law, a
19 violation of any code section listed in subdivision (c) is an
20 infraction subject to the procedures described in Sections 19.6 and
21 19.7 of the Penal Code when either of the following applies:

22 (1) A complaint or a written notice to appear in court pursuant
23 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
24 2 of the Penal Code is filed in court charging the offense as an
25 infraction unless the defendant, at the time he or she is arraigned,
26 after being advised of his or her rights, elects to have the case
27 proceed as a misdemeanor.

28 (2) The court, with the consent of the defendant and the
29 prosecution, determines that the offense is an infraction in which
30 event the case shall proceed as if the defendant has been arraigned
31 on an infraction complaint.

32 (b) Subdivision (a) does not apply to a violation of the code
33 sections listed in subdivision (c) if the defendant has had his or
34 her license, registration, or certificate previously revoked or
35 suspended.

36 (c) The following sections require registration, licensure,
37 certification, or other authorization in order to engage in certain
38 businesses or professions regulated by this code:

39 (1) Sections 2052 and 2054.

40 (2) Section 2630.

- 1 (3) Section 2903.
- 2 (4) Section 3575.
- 3 (5) Section 3660.
- 4 (6) Sections 3760 and 3761.
- 5 (7) Section 4080.
- 6 (8) Section 4825.
- 7 (9) Section 4935.
- 8 (10) Section 4980.
- 9 (11) Section 4989.50.
- 10 (12) Section 4996.
- 11 (13) Section 4999.30.
- 12 (14) Section 5536.
- 13 (15) Section 6704.
- 14 (16) Section 6980.10.
- 15 (17) Section 7317.
- 16 (18) Section 7502 or 7592.
- 17 (19) Section 7520.
- 18 (20) Section 7617 or 7641.
- 19 (21) Subdivision (a) of Section 7872.
- 20 (22) Section 8016.
- 21 (23) Section 8505.
- 22 (24) Section 8725.
- 23 (25) Section 9681.
- 24 (26) Section 9840.
- 25 (27) Subdivision (c) of Section 9891.24.
- 26 (28) Section 19049.
- 27 (d) Notwithstanding any other law, a violation of any of the
- 28 sections listed in subdivision (c), which is an infraction, is
- 29 punishable by a fine of not less than two hundred fifty dollars
- 30 (\$250) and not more than one thousand dollars (\$1,000). No portion
- 31 of the minimum fine may be suspended by the court unless as a
- 32 condition of that suspension the defendant is required to submit
- 33 proof of a current valid license, registration, or certificate for the
- 34 profession or vocation that was the basis for his or her conviction.
- 35 SEC. 3. Section 500 of the Business and Professions Code is
- 36 amended to read:
- 37 500. If the register or book of registration of the Medical Board
- 38 of California, the Dental Board of California, or the California
- 39 State Board of Pharmacy is destroyed by fire or other public
- 40 calamity, the board, whose duty it is to keep the register or book,

1 may reproduce it so that there may be shown as nearly as possible
2 the record existing in the original at the time of destruction.

3 SEC. 4. Section 650.2 of the Business and Professions Code
4 is amended to read:

5 650.2. (a) Notwithstanding Section 650 or any other provision
6 of law, it shall not be unlawful for a person licensed pursuant to
7 Chapter 4 (commencing with Section 1600) of Division 2 or any
8 other person, to participate in or operate a group advertising and
9 referral service for dentists if all of the following conditions are
10 met:

11 (1) The patient referrals by the service result from
12 patient-initiated responses to service advertising.

13 (2) The service advertises, if at all, in conformity with Section
14 651 and subdivisions (i) and (l) of Section 1680.

15 (3) The service does not employ a solicitor within the meaning
16 of subdivision (j) of Section 1680.

17 (4) The service does not impose a fee on the member dentists
18 dependent upon the number of referrals or amount of professional
19 fees paid by the patient to the dentist.

20 (5) Participating dentists charge no more than their usual and
21 customary fees to any patient referred.

22 (6) The service registers with the Dental Board of California,
23 providing its name and address.

24 (7) The service files with the Dental Board of California a copy
25 of the standard form contract that regulates its relationship with
26 member dentists, which contract shall be confidential and not open
27 to public inspection.

28 (8) If more than 50 percent of its referrals are made to one
29 individual, association, partnership, corporation, or group of three
30 or more dentists, the service discloses that fact in all public
31 communications, including, but not limited to, communication by
32 means of television, radio, motion picture, newspaper, book, or
33 list or directory of healing arts practitioners.

34 (9) When member dentists pay any fee to the service, any
35 advertisement by the service shall clearly and conspicuously
36 disclose that fact by including a statement as follows: "Paid for
37 by participating dentists." In print advertisements, the required
38 statement shall be in at least 9-point type. In radio advertisements,
39 the required statement shall be articulated so as to be clearly
40 audible and understandable by the radio audience. In television

1 advertisements, the required statement shall be either clearly
2 audible and understandable to the television audience, or displayed
3 in a written form that remains clearly visible for at least five
4 seconds to the television audience. This subdivision shall be
5 operative on and after July 1, 1994.

6 (b) The Dental Board of California may adopt regulations
7 necessary to enforce and administer this section.

8 (c) The Dental Board of California may suspend or revoke the
9 registration of any service that fails to comply with paragraph (9)
10 of subdivision (a). No service may reregister with the board if it
11 has a registration that is currently under suspension for a violation
12 of paragraph (9) of subdivision (a), nor may a service reregister
13 with the board if it had a registration revoked by the board for a
14 violation of paragraph (9) of subdivision (a) less than one year
15 after that revocation.

16 (d) The Dental Board of California may petition the superior
17 court of any county for the issuance of an injunction restraining
18 any conduct that constitutes a violation of this section.

19 (e) It is unlawful and shall constitute a misdemeanor for a person
20 to operate a group advertising and referral service for dentists
21 without providing its name and address to the Dental Board of
22 California.

23 (f) It is the intent of the Legislature in enacting this section not
24 to otherwise affect the prohibitions provided in Section 650. The
25 Legislature intends to allow the pooling of resources by dentists
26 for the purposes of advertising.

27 (g) This section shall not be construed to authorize a referral
28 service to engage in the practice of dentistry.

29 SEC. 5. Section 800 of the Business and Professions Code is
30 amended to read:

31 800. (a) The Medical Board of California, the Board of
32 Psychology, the Dental Board of California, the Dental Hygiene
33 Committee of California, the Osteopathic Medical Board of
34 California, the State Board of Chiropractic Examiners, the Board
35 of Registered Nursing, the Board of Vocational Nursing and
36 Psychiatric Technicians of the State of California, the State Board
37 of Optometry, the Veterinary Medical Board, the Board of
38 Behavioral Sciences, the Physical Therapy Board of California,
39 the California State Board of Pharmacy, the Speech-Language
40 Pathology and Audiology and Hearing Aid Dispensers Board, the

1 California Board of Occupational Therapy, the Acupuncture Board,
2 and the Physician Assistant Board shall each separately create and
3 maintain a central file of the names of all persons who hold a
4 license, certificate, or similar authority from that board. Each
5 central file shall be created and maintained to provide an individual
6 historical record for each licensee with respect to the following
7 information:

8 (1) Any conviction of a crime in this or any other state that
9 constitutes unprofessional conduct pursuant to the reporting
10 requirements of Section 803.

11 (2) Any judgment or settlement requiring the licensee or his or
12 her insurer to pay any amount of damages in excess of three
13 thousand dollars (\$3,000) for any claim that injury or death was
14 proximately caused by the licensee's negligence, error or omission
15 in practice, or by rendering unauthorized professional services,
16 pursuant to the reporting requirements of Section 801 or 802.

17 (3) Any public complaints for which provision is made pursuant
18 to subdivision (b).

19 (4) Disciplinary information reported pursuant to Section 805,
20 including any additional exculpatory or explanatory statements
21 submitted by the licensee pursuant to subdivision (f) of Section
22 805. If a court finds, in a final judgment, that the peer review
23 resulting in the 805 report was conducted in bad faith and the
24 licensee who is the subject of the report notifies the board of that
25 finding, the board shall include that finding in the central file. For
26 purposes of this paragraph, "peer review" has the same meaning
27 as defined in Section 805.

28 (5) Information reported pursuant to Section 805.01, including
29 any explanatory or exculpatory information submitted by the
30 licensee pursuant to subdivision (b) of that section.

31 (b) (1) Each board shall prescribe and promulgate forms on
32 which members of the public and other licensees or certificate
33 holders may file written complaints to the board alleging any act
34 of misconduct in, or connected with, the performance of
35 professional services by the licensee.

36 (2) If a board, or division thereof, a committee, or a panel has
37 failed to act upon a complaint or report within five years, or has
38 found that the complaint or report is without merit, the central file
39 shall be purged of information relating to the complaint or report.

(3) Notwithstanding this subdivision, the Board of Psychology, the Board of Behavioral Sciences, and the Respiratory Care Board of California shall maintain complaints or reports as long as each board deems necessary.

(c) (1) The contents of any central file that are not public records under any other provision of law shall be confidential except that the licensee involved, or his or her counsel or representative, shall have the right to inspect and have copies made of his or her complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a comprehensive summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to a licensee's reputation, rights, benefits, privileges, or qualifications, or be used by a board to make a determination that would affect a licensee's rights, benefits, privileges, or qualifications. The information required to be disclosed pursuant to Section 803.1 shall not be considered among the contents of a central file for the purposes of this subdivision.

(2) The licensee may, but is not required to, submit any additional exculpatory or explanatory statement or other information that the board shall include in the central file.

(3) Each board may permit any law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes to inspect and have copies made of that licensee's file, unless the disclosure is otherwise prohibited by law.

(4) These disclosures shall effect no change in the confidential status of these records.

SEC. 6. Section 1603a of the Business and Professions Code is amended to read:

1603a. A member of the Dental Board of California who has served two terms shall not be eligible for reappointment to the board. In computing two terms hereunder, that portion of an unexpired term that a member fills as a result of a vacancy shall be excluded.

1 SEC. 7. Section 1618.5 of the Business and Professions Code
2 is amended to read:

3 1618.5. (a) The board shall provide to the Director of the
4 Department of Managed Health Care a copy of any accusation
5 filed with the Office of Administrative Hearings pursuant to
6 Chapter 5 (commencing with Section 11500) of Part 1 of Division
7 3 of Title 2 of the Government Code, when the accusation is filed,
8 for a violation of this chapter relating to the quality of care of any
9 dental provider of a health care service plan, as defined in Section
10 1345 of the Health and Safety Code. There shall be no liability on
11 the part of, and no cause of action shall arise against, the State of
12 California, the Dental Board of California, the Department of
13 Managed Health Care, the director of that department, or any
14 officer, agent, employee, consultant, or contractor of the state or
15 the board or the department for the release of any false or
16 unauthorized information pursuant to this section, unless the release
17 is made with knowledge and malice.

18 (b) The board and its executive officer and staff shall maintain
19 the confidentiality of any nonpublic reports provided by the
20 Director of the Department of Managed Health Care pursuant to
21 subdivision (i) of Section 1380 of the Health and Safety Code.

22 SEC. 8. Section 1640.1 of the Business and Professions Code
23 is amended to read:

24 1640.1. As used in this article, the following definitions shall
25 apply:

26 (a) “Specialty” means an area of dental practice approved by
27 the American Dental Association and recognized by the board.

28 (b) “Discipline” means an advanced dental educational program
29 in an area of dental practice not approved as a specialty by the
30 American Dental Association; but offered from a dental college
31 approved by the board.

32 (c) “Dental college approved by the board” means a dental
33 school or college that is approved by the Commission on Dental
34 Accreditation of the American Dental Association, that is
35 accredited by a body that has a reciprocal accreditation agreement
36 with that commission, or that has been approved by the Dental
37 Board of California through its own approval process.

38 SEC. 9. Section 1648.10 of the Business and Professions Code
39 is amended to read:

1 1648.10. (a) The Dental Board of California shall develop and
2 distribute a fact sheet describing and comparing the risks and
3 efficacy of the various types of dental restorative materials that
4 may be used to repair a dental patient's oral condition or defect.
5 The fact sheet shall include:

6 (1) A description of the groups of materials that are available
7 to the profession for restoration of an oral condition or defect.

8 (2) A comparison of the relative benefits and detriments of each
9 group of materials.

10 (3) A comparison of the cost considerations associated with
11 each group of materials.

12 (4) A reference to encourage discussion between patient and
13 dentist regarding materials and to inform the patient of his or her
14 options.

15 (b) The fact sheet shall be made available by the Dental Board
16 of California to all licensed dentists.

17 (c) The Dental Board of California shall update the fact sheet
18 described in subdivision (a) as determined necessary by the board.

19 SEC. 10. Section 1650 of the Business and Professions Code
20 is amended to read:

21 1650. Every person who is now or hereafter licensed to practice
22 dentistry in this state shall register on forms prescribed by the
23 board, his or her place of practice with the executive officer of the
24 Dental Board of California, or, if he or she has more than one place
25 of practice, all of the places of practice, or, if he or she has no place
26 of practice, to so notify the executive officer of the board. A person
27 licensed by the board shall register with the executive officer within
28 30 days after the date of his or her license.

29 SEC. 11. Section 1695 of the Business and Professions Code
30 is amended to read:

31 1695. It is the intent of the Legislature that the Dental Board
32 of California seek ways and means to identify and rehabilitate
33 licentiates whose competency may be impaired due to abuse of
34 dangerous drugs or alcohol, so that licentiates so afflicted may be
35 treated and returned to the practice of dentistry in a manner that
36 will not endanger the public health and safety. It is also the intent
37 of the Legislature that the Dental Board of California shall
38 implement this legislation in part by establishing a diversion
39 program as a voluntary alternative approach to traditional
40 disciplinary actions.

1 SEC. 12. Section 1695.1 of the Business and Professions Code
2 is amended to read:

3 1695.1. As used in this article:

4 (a) "Board" means the Dental Board of California.

5 (b) "Committee" means a diversion evaluation committee
6 created by this article.

7 (c) "Program manager" means the staff manager of the diversion
8 program, as designated by the executive officer of the board. The
9 program manager shall have background experience in dealing
10 with substance abuse issues.

11 SEC. 13. Section 1905.1 of the Business and Professions Code
12 is amended to read:

13 1905.1. The committee may contract with the dental board to
14 carry out this article. The committee may contract with the dental
15 board to perform investigations of applicants and licensees under
16 this article.

17 SEC. 14. Section 1917.2 of the Business and Professions Code
18 is repealed.

19 SEC. 15. Section 1944 of the Business and Professions Code
20 is amended to read:

21 1944. (a) The committee shall establish by resolution the
22 amount of the fees that relate to the licensing of a registered dental
23 hygienist, a registered dental hygienist in alternative practice, and
24 a registered dental hygienist in extended functions. The fees
25 established by board resolution in effect on June 30, 2009, as they
26 relate to the licensure of registered dental hygienists, registered
27 dental hygienists in alternative practice, and registered dental
28 hygienists in extended functions, shall remain in effect until
29 modified by the committee. The fees are subject to the following
30 limitations:

31 (1) The application fee for an original license and the fee for
32 issuance of an original license shall not exceed two hundred fifty
33 dollars (\$250).

34 (2) The fee for examination for licensure as a registered dental
35 hygienist shall not exceed the actual cost of the examination.

36 (3) The fee for examination for licensure as a registered dental
37 hygienist in extended functions shall not exceed the actual cost of
38 the examination.

1 (4) The fee for examination for licensure as a registered dental
2 hygienist in alternative practice shall not exceed the actual cost of
3 administering the examination.

4 (5) The biennial renewal fee shall not exceed one hundred sixty
5 dollars (\$160).

6 (6) The delinquency fee shall not exceed one-half of the renewal
7 fee. Any delinquent license may be restored only upon payment
8 of all fees, including the delinquency fee, and compliance with all
9 other applicable requirements of this article.

10 (7) The fee for issuance of a duplicate license to replace one
11 that is lost or destroyed, or in the event of a name change, shall
12 not exceed twenty-five dollars (\$25) or one-half of the renewal
13 fee, whichever is greater.

14 (8) The fee for certification of licensure shall not exceed one-half
15 of the renewal fee.

16 (9) The fee for each curriculum review, feasibility study review,
17 and site evaluation for educational programs for dental hygienists
18 who are not accredited by a committee-approved agency shall not
19 exceed two thousand one hundred dollars (\$2,100).

20 (10) The fee for each review or approval of course requirements
21 for licensure or procedures that require additional training shall
22 not exceed seven hundred fifty dollars (\$750).

23 (11) The initial application and biennial fee for a provider of
24 continuing education shall not exceed five hundred dollars (\$500).

25 (12) The amount of fees payable in connection with permits
26 issued under Section 1962 is as follows:

27 (A) The initial permit fee is an amount equal to the renewal fee
28 for the applicant's license to practice dental hygiene in effect on
29 the last regular renewal date before the date on which the permit
30 is issued.

31 (B) If the permit will expire less than one year after its issuance,
32 then the initial permit fee is an amount equal to 50 percent of the
33 renewal fee in effect on the last regular renewal date before the
34 date on which the permit is issued.

35 (b) The renewal and delinquency fees shall be fixed by the
36 committee by resolution at not more than the current amount of
37 the renewal fee for a license to practice under this article nor less
38 than five dollars (\$5).

1 (c) Fees fixed by the committee by resolution pursuant to this
2 section shall not be subject to the approval of the Office of
3 Administrative Law.

4 (d) Fees collected pursuant to this section shall be collected by
5 the committee and deposited into the State Dental Hygiene Fund,
6 which is hereby created. All money in this fund shall, upon
7 appropriation by the Legislature in the annual Budget Act, be used
8 to implement this article.

9 (e) No fees or charges other than those listed in this section shall
10 be levied by the committee in connection with the licensure of
11 registered dental hygienists, registered dental hygienists in
12 alternative practice, or registered dental hygienists in extended
13 functions.

14 (f) The fee for registration of an extramural dental facility shall
15 not exceed two hundred fifty dollars (\$250).

16 (g) The fee for registration of a mobile dental hygiene unit shall
17 not exceed one hundred fifty dollars (\$150).

18 (h) The biennial renewal fee for a mobile dental hygiene unit
19 shall not exceed two hundred fifty dollars (\$250).

20 (i) The fee for an additional office permit shall not exceed two
21 hundred fifty dollars (\$250).

22 (j) The biennial renewal fee for an additional office as described
23 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

24 (k) The initial application and biennial special permit fee is an
25 amount equal to the biennial renewal fee specified in paragraph
26 (6) of subdivision (a).

27 (l) The fees in this section shall not exceed an amount sufficient
28 to cover the reasonable regulatory cost of carrying out this article.

29 SEC. 16. Section 2054 of the Business and Professions Code
30 is amended to read:

31 2054. (a) Any person who uses in any sign, business card, or
32 letterhead, or, in an advertisement, the words “doctor” or
33 “physician,” the letters or prefix “Dr.,” the initials “M.D.,” or any
34 other terms or letters indicating or implying that he or she is a
35 physician and surgeon, physician, surgeon, or practitioner under
36 the terms of this or any other law, or that he or she is entitled to
37 practice hereunder, or who represents or holds himself or herself
38 out as a physician and surgeon, physician, surgeon, or practitioner
39 under the terms of this or any other law, without having at the time
40 of so doing a valid, unrevoked, and unsuspended certificate as a

1 physician and surgeon under this chapter, is guilty of a
2 misdemeanor.

3 (b) A holder of a valid, unrevoked, and unsuspended certificate
4 to practice podiatric medicine may use the phrases “doctor of
5 podiatric medicine,” “doctor of podiatry,” and “podiatric doctor,”
6 or the initials “D.P.M.,” and shall not be in violation of subdivision

7 (a).

8 (c) Notwithstanding subdivision (a), any of the following
9 persons may use the words “doctor” or “physician,” the letters or
10 prefix “Dr.,” or the initials “M.D.”:

11 (1) A graduate of a medical school approved or recognized by
12 the board while enrolled in a postgraduate training program
13 approved by the board.

14 (2) A graduate of a medical school who does not have a
15 certificate as a physician and surgeon under this chapter if he or
16 she meets all of the following requirements:

17 (A) If issued a license to practice medicine in any jurisdiction,
18 has not had that license revoked or suspended by that jurisdiction.

19 (B) Does not otherwise hold himself or herself out as a physician
20 and surgeon entitled to practice medicine in this state except to
21 the extent authorized by this chapter.

22 (C) Does not engage in any of the acts prohibited by Section
23 2060.

24 (3) A person authorized to practice medicine under Section 2111
25 or 2113 subject to the limitations set forth in those sections.

26 SEC. 17. Section 2401 of the Business and Professions Code
27 is amended to read:

28 2401. (a) Notwithstanding Section 2400, a clinic operated
29 primarily for the purpose of medical education by a public or
30 private nonprofit university medical school, which is approved by
31 the board or the Osteopathic Medical Board of California, may
32 charge for professional services rendered to teaching patients by
33 licensees who hold academic appointments on the faculty of the
34 university, if the charges are approved by the physician and surgeon
35 in whose name the charges are made.

36 (b) Notwithstanding Section 2400, a clinic operated under
37 subdivision (p) of Section 1206 of the Health and Safety Code
38 may employ licensees and charge for professional services rendered
39 by those licensees. However, the clinic shall not interfere with,
40 control, or otherwise direct the professional judgment of a

1 physician and surgeon in a manner prohibited by Section 2400 or
2 any other provision of law.

3 (c) Notwithstanding Section 2400, a narcotic treatment program
4 operated under Section 11876 of the Health and Safety Code and
5 regulated by the State Department of Health Care Services, may
6 employ licensees and charge for professional services rendered by
7 those licensees. However, the narcotic treatment program shall
8 not interfere with, control, or otherwise direct the professional
9 judgment of a physician and surgeon in a manner prohibited by
10 Section 2400 or any other provision of law.

11 (d) Notwithstanding Section 2400, a hospital that is owned and
12 operated by a licensed charitable organization, that offers only
13 pediatric subspecialty care, that, prior to January 1, 2013, employed
14 licensees on a salary basis, and that has not charged for professional
15 services rendered to patients may, commencing January 1, 2013,
16 charge for professional services rendered to patients, provided the
17 following conditions are met:

18 (1) The hospital does not increase the number of salaried
19 licensees by more than five licensees each year.

20 (2) The hospital does not expand its scope of services beyond
21 pediatric subspecialty care.

22 (3) The hospital accepts each patient needing its scope of
23 services regardless of his or her ability to pay, including whether
24 the patient has any form of health care coverage.

25 (4) The medical staff concur by an affirmative vote that the
26 licensee's employment is in the best interest of the communities
27 served by the hospital.

28 (5) The hospital does not interfere with, control, or otherwise
29 direct a physician and surgeon's professional judgment in a manner
30 prohibited by Section 2400 or any other provision of law.

31 SEC. 18. Section 2428 of the Business and Professions Code
32 is amended to read:

33 2428. (a) A person who voluntarily cancels his or her license
34 or who fails to renew his or her license within five years after its
35 expiration shall not renew it, but that person may apply for and
36 obtain a new license if he or she:

37 (1) Has not committed any acts or crimes constituting grounds
38 for denial of licensure under Division 1.5 (commencing with
39 Section 475).

(2) Takes and passes the examination, if any, which would be required of him or her if application for licensure was being made for the first time, or otherwise establishes to the satisfaction of the licensing authority that passes on the qualifications of applicants for the license that, with due regard for the public interest, he or she is qualified to practice the profession or activity for which the applicant was originally licensed.

(3) Pays all of the fees that would be required if application for licensure was being made for the first time.

The licensing authority may provide for the waiver or refund of all or any part of an examination fee in those cases in which a license is issued without an examination pursuant to this section.

Nothing in this section shall be construed to authorize the issuance of a license for a professional activity or system or mode of healing for which licenses are no longer required.

(b) In addition to the requirements set forth in subdivision (a), an applicant shall establish that he or she meets one of the following requirements: (1) satisfactory completion of at least two years of approved postgraduate training; (2) certification by a specialty board approved by the American Board of Medical Specialties or approved by the board pursuant to subdivision (h) of Section 651; or (3) passing of the clinical competency written examination.

(c) Subdivision (a) shall apply to persons who held licenses to practice podiatric medicine except that those persons who failed to renew their licenses within three years after its expiration may not renew it, and it may not be reissued, reinstated, or restored, except in accordance with subdivision (a).

SEC. 19. Section 2529 of the Business and Professions Code is amended to read:

2529. (a) Graduates of the Southern California Psychoanalytic Institute, the Los Angeles Psychoanalytic Society and Institute, the San Francisco Psychoanalytic Institute, the San Diego Psychoanalytic Center, or institutes deemed equivalent by the Medical Board of California who have completed clinical training in psychoanalysis may engage in psychoanalysis as an adjunct to teaching, training, or research and hold themselves out to the public as psychoanalysts, and students in those institutes may engage in psychoanalysis under supervision, if the students and graduates do not hold themselves out to the public by any title or description

1 of services incorporating the words “psychological,”
2 “psychologist,” “psychology,” “psychometrists,” “psychometrics,”
3 or “psychometry,” or that they do not state or imply that they are
4 licensed to practice psychology.

5 (b) Those students and graduates seeking to engage in
6 psychoanalysis under this chapter shall register with the Medical
7 Board of California, presenting evidence of their student or
8 graduate status. The board may suspend or revoke the exemption
9 of those persons for unprofessional conduct as defined in Sections
10 726, 2234, and 2235.

11 SEC. 20. Section 2650 of the Business and Professions Code
12 is amended to read:

13 2650. (a) The physical therapist education requirements are
14 as follows:

15 (1) Except as otherwise provided in this chapter, each applicant
16 for a license as a physical therapist shall be a graduate of a
17 professional degree program of an accredited postsecondary
18 institution or institutions approved by the board and shall have
19 completed a professional education program including academic
20 course work and clinical internship in physical therapy.

21 (2) Unless otherwise specified by the board by regulation, the
22 educational requirements shall include instruction in the subjects
23 prescribed by the Commission on Accreditation in Physical
24 Therapy Education (CAPTE) of the American Physical Therapy
25 Association or Physiotherapy Education Accreditation Canada and
26 shall include a combination of didactic and clinical experiences.
27 The clinical experience shall include at least 18 weeks of full-time
28 experience with a variety of patients.

29 (b) The physical therapist assistant educational requirements
30 are as follows:

31 (1) Except as otherwise provided in this chapter, each applicant
32 for a license as a physical therapist assistant shall be a graduate of
33 a physical therapist assistant program of an accredited
34 postsecondary institution or institutions approved by the board,
35 and shall have completed both the academic and clinical experience
36 required by the physical therapist assistant program, and have been
37 awarded an associate degree.

38 (2) Unless otherwise specified by the board by regulation, the
39 educational requirements shall include instruction in the subjects
40 prescribed by the CAPTE of the American Physical Therapy

1 Association or Physiotherapy Education Accreditation Canada or
2 another body as may be approved by the board by regulation and
3 shall include a combination of didactic and clinical experiences.

4 SEC. 21. The heading of Article 3.1 (commencing with Section
5 2770) of Chapter 6 of Division 2 of the Business and Professions
6 Code is amended to read:

7
8 Article 3.1. Intervention Program
9

10 SEC. 22. Section 2770 of the Business and Professions Code
11 is amended to read:

12 2770. It is the intent of the Legislature that the Board of
13 Registered Nursing seek ways and means to identify and
14 rehabilitate registered nurses whose competency may be impaired
15 due to abuse of alcohol and other drugs, or due to mental illness
16 so that registered nurses so afflicted may be rehabilitated and
17 returned to the practice of nursing in a manner that will not
18 endanger the public health and safety. It is also the intent of the
19 Legislature that the Board of Registered Nursing shall implement
20 this legislation by establishing an intervention program as a
21 voluntary alternative to traditional disciplinary actions.

22 SEC. 23. Section 2770.1 of the Business and Professions Code
23 is amended to read:

24 2770.1. As used in this article:

25 (a) "Board" means the Board of Registered Nursing.

26 (b) "Committee" means an intervention evaluation committee
27 created by this article.

28 (c) "Program manager" means the staff manager of the
29 intervention program, as designated by the executive officer of the
30 board. The program manager shall have background experience
31 in dealing with substance abuse issues.

32 SEC. 24. Section 2770.2 of the Business and Professions Code
33 is amended to read:

34 2770.2. (a) One or more intervention evaluation committees
35 is hereby created in the state to be established by the board. Each
36 committee shall be composed of five persons appointed by the
37 board. No board member shall serve on any committee.

38 (b) Each committee shall have the following composition:

1 (1) Three registered nurses, holding active California licenses,
2 who have demonstrated expertise in the field of chemical
3 dependency or psychiatric nursing.

4 (2) One physician, holding an active California license, who
5 specializes in the diagnosis and treatment of addictive diseases or
6 mental illness.

7 (3) One public member who is knowledgeable in the field of
8 chemical dependency or mental illness.

9 (c) It shall require a majority vote of the board to appoint a
10 person to a committee. Each appointment shall be at the pleasure
11 of the board for a term not to exceed four years. In its discretion
12 the board may stagger the terms of the initial members appointed.

13 SEC. 25. Section 2770.7 of the Business and Professions Code
14 is amended to read:

15 2770.7. (a) The board shall establish criteria for the acceptance,
16 denial, or termination of registered nurses in the intervention
17 program. Only those registered nurses who have voluntarily
18 requested to participate in the intervention program shall participate
19 in the program.

20 (b) A registered nurse under current investigation by the board
21 may request entry into the intervention program by contacting the
22 board. Prior to authorizing a registered nurse to enter into the
23 intervention program, the board may require the registered nurse
24 under current investigation for any violations of this chapter or
25 any other provision of this code to execute a statement of
26 understanding that states that the registered nurse understands that
27 his or her violations that would otherwise be the basis for discipline
28 may still be investigated and may be the subject of disciplinary
29 action.

30 (c) If the reasons for a current investigation of a registered nurse
31 are based primarily on the self-administration of any controlled
32 substance or dangerous drug or alcohol under Section 2762, or the
33 illegal possession, prescription, or nonviolent procurement of any
34 controlled substance or dangerous drug for self-administration that
35 does not involve actual, direct harm to the public, the board shall
36 close the investigation without further action if the registered nurse
37 is accepted into the board's intervention program and successfully
38 completes the program. If the registered nurse withdraws or is
39 terminated from the program by an intervention evaluation
40 committee, and the termination is approved by the program

1 manager, the investigation shall be reopened and disciplinary action
2 imposed, if warranted, as determined by the board.

3 (d) Neither acceptance nor participation in the intervention
4 program shall preclude the board from investigating or continuing
5 to investigate, or taking disciplinary action or continuing to take
6 disciplinary action against, any registered nurse for any
7 unprofessional conduct committed before, during, or after
8 participation in the intervention program.

9 (e) All registered nurses shall sign an agreement of
10 understanding that the withdrawal or termination from the
11 intervention program at a time when the program manager or
12 intervention evaluation committee determines the licensee presents
13 a threat to the public's health and safety shall result in the
14 utilization by the board of intervention program treatment records
15 in disciplinary or criminal proceedings.

16 (f) Any registered nurse terminated from the intervention
17 program for failure to comply with program requirements is subject
18 to disciplinary action by the board for acts committed before,
19 during, and after participation in the intervention program. A
20 registered nurse who has been under investigation by the board
21 and has been terminated from the intervention program by an
22 intervention evaluation committee shall be reported by the
23 intervention evaluation committee to the board.

24 SEC. 26. Section 2770.8 of the Business and Professions Code
25 is amended to read:

26 2770.8. A committee created under this article operates under
27 the direction of the intervention program manager. The program
28 manager has the primary responsibility to review and evaluate
29 recommendations of the committee. Each committee shall have
30 the following duties and responsibilities:

31 (a) To evaluate those registered nurses who request participation
32 in the program according to the guidelines prescribed by the board,
33 and to make recommendations.

34 (b) To review and designate those treatment services to which
35 registered nurses in an intervention program may be referred.

36 (c) To receive and review information concerning a registered
37 nurse participating in the program.

38 (d) To consider in the case of each registered nurse participating
39 in a program whether he or she may with safety continue or resume
40 the practice of nursing.

1 (e) To call meetings as necessary to consider the requests of
2 registered nurses to participate in an intervention program, and to
3 consider reports regarding registered nurses participating in a
4 program.

5 (f) To make recommendations to the program manager regarding
6 the terms and conditions of the intervention agreement for each
7 registered nurse participating in the program, including treatment,
8 supervision, and monitoring requirements.

9 SEC. 27. Section 2770.10 of the Business and Professions
10 Code is amended to read:

11 2770.10. Notwithstanding Article 9 (commencing with Section
12 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
13 Government Code, relating to public meetings, a committee may
14 convene in closed session to consider reports pertaining to any
15 registered nurse requesting or participating in an intervention
16 program. A committee shall only convene in closed session to the
17 extent that it is necessary to protect the privacy of such a licensee.

18 SEC. 28. Section 2770.11 of the Business and Professions
19 Code is amended to read:

20 2770.11. (a) Each registered nurse who requests participation
21 in an intervention program shall agree to cooperate with the
22 rehabilitation program designed by the committee and approved
23 by the program manager. Any failure to comply with a
24 rehabilitation program may result in termination of the registered
25 nurse's participation in a program. The name and license number
26 of a registered nurse who is terminated for any reason, other than
27 successful completion, shall be reported to the board's enforcement
28 program.

29 (b) If the program manager determines that a registered nurse,
30 who is denied admission into the program or terminated from the
31 program, presents a threat to the public or his or her own health
32 and safety, the program manager shall report the name and license
33 number, along with a copy of all intervention program records for
34 that registered nurse, to the board's enforcement program. The
35 board may use any of the records it receives under this subdivision
36 in any disciplinary proceeding.

37 SEC. 29. Section 2770.12 of the Business and Professions
38 Code is amended to read:

39 2770.12. (a) After the committee and the program manager
40 in their discretion have determined that a registered nurse has

1 successfully completed the intervention program, all records
2 pertaining to the registered nurse's participation in the intervention
3 program shall be purged.

4 (b) All board and committee records and records of a proceeding
5 pertaining to the participation of a registered nurse in the
6 intervention program shall be kept confidential and are not subject
7 to discovery or subpoena, except as specified in subdivision (b)
8 of Section 2770.11 and subdivision (c).

9 (c) A registered nurse shall be deemed to have waived any rights
10 granted by any laws and regulations relating to confidentiality of
11 the intervention program, if he or she does any of the following:

12 (1) Presents information relating to any aspect of the intervention
13 program during any stage of the disciplinary process subsequent
14 to the filing of an accusation, statement of issues, or petition to
15 compel an examination pursuant to Article 12.5 (commencing with
16 Section 820) of Chapter 1. The waiver shall be limited to
17 information necessary to verify or refute any information disclosed
18 by the registered nurse.

19 (2) Files a lawsuit against the board relating to any aspect of
20 the intervention program.

21 (3) Claims in defense to a disciplinary action, based on a
22 complaint that led to the registered nurse's participation in the
23 intervention program, that he or she was prejudiced by the length
24 of time that passed between the alleged violation and the filing of
25 the accusation. The waiver shall be limited to information necessary
26 to document the length of time the registered nurse participated in
27 the intervention program.

28 SEC. 30. Section 2770.13 of the Business and Professions
29 Code is amended to read:

30 2770.13. The board shall provide for the legal representation
31 of any person making reports under this article to a committee or
32 the board in any action for defamation directly resulting from those
33 reports regarding a registered nurse's participation in an
34 intervention program.

35 SEC. 31. Section 2835.5 of the Business and Professions Code
36 is amended to read:

37 2835.5. On and after January 1, 2008, an applicant for initial
38 qualification or certification as a nurse practitioner under this article
39 who has not been qualified or certified as a nurse practitioner in
40 California or any other state shall meet the following requirements:

1 (a) Hold a valid and active registered nursing license issued
2 under this chapter.

3 (b) Possess a master's degree in nursing, a master's degree in
4 a clinical field related to nursing, or a graduate degree in nursing.

5 (c) Satisfactorily complete a nurse practitioner program
6 approved by the board.

7 ~~SEC. 32.—Section 2914 of the Business and Professions Code~~
8 ~~is amended to read:~~

9 ~~2914. Each applicant for licensure shall comply with all of the~~
10 ~~following requirements:~~

11 ~~(a) Is not subject to denial of licensure under Division 1.5~~
12 ~~(commencing with Section 475).~~

13 ~~(b) (1) Possess an earned doctorate degree (1) in psychology,~~
14 ~~(2) in educational psychology, or (3) in education with the field~~
15 ~~of specialization in counseling psychology or educational~~
16 ~~psychology. Except as provided in subdivision (g), this degree or~~
17 ~~training shall be obtained from an accredited university, college,~~
18 ~~or professional school. The board shall make the final~~
19 ~~determination as to whether a degree meets the requirements of~~
20 ~~this section.~~

21 ~~(2) No educational institution shall be denied recognition as an~~
22 ~~accredited academic institution solely because its program is not~~
23 ~~accredited by any professional organization of psychologists, and~~
24 ~~nothing in this chapter or in the administration of this chapter shall~~
25 ~~require the registration with the board by educational institutions~~
26 ~~of their departments of psychology or their doctoral programs in~~
27 ~~psychology.~~

28 ~~(3) An applicant for licensure trained in an educational~~
29 ~~institution outside the United States or Canada shall demonstrate~~
30 ~~to the satisfaction of the board that he or she possesses a doctorate~~
31 ~~degree in psychology that is equivalent to a degree earned from a~~
32 ~~regionally accredited university in the United States or Canada.~~
33 ~~These applicants shall provide the board with a comprehensive~~
34 ~~evaluation of the degree performed by a foreign credential~~
35 ~~evaluation service that is a member of the National Association~~
36 ~~of Credential Evaluation Services (NACES), and any other~~
37 ~~documentation the board deems necessary.~~

38 ~~(c) (1) Have engaged for at least two years in supervised~~
39 ~~professional experience under the direction of a licensed~~
40 ~~psychologist, the specific requirements of which shall be defined~~

1 by the board in its regulations, or under suitable alternative
2 supervision as determined by the board in regulations duly adopted
3 under this chapter, at least one year of which shall be after being
4 awarded the doctorate in psychology. If the supervising licensed
5 psychologist fails to provide verification to the board of the
6 experience required by this subdivision within 30 days after being
7 so requested by the applicant, the applicant may provide written
8 verification directly to the board.

9 (2) If the applicant sends verification directly to the board, the
10 applicant shall file with the board a declaration of proof of service,
11 under penalty of perjury, of the request for verification. A copy of
12 the completed verification forms shall be provided to the
13 supervising psychologist and the applicant shall prove to the board
14 that a copy has been sent to the supervising psychologist by filing
15 a declaration of proof of service under penalty of perjury, and shall
16 file this declaration with the board when the verification forms are
17 submitted.

18 (3) Upon receipt by the board of the applicant's verification and
19 declarations, a rebuttable presumption affecting the burden of
20 producing evidence is created that the supervised, professional
21 experience requirements of this subdivision have been satisfied.
22 The supervising psychologist shall have 20 days from the day the
23 board receives the verification and declaration to file a rebuttal
24 with the board.

25 (4) The authority provided by this subdivision for an applicant
26 to file written verification directly shall apply only to an applicant
27 who has acquired the experience required by this subdivision in
28 the United States.

29 (5) The board shall establish qualifications by regulation for
30 supervising psychologists and shall review and approve applicants
31 for this position on a case-by-case basis.

32 (d) Take and pass the examination required by Section 2941
33 unless otherwise exempted by the board under this chapter.

34 (e) Show by evidence satisfactory to the board that he or she
35 has completed training in the detection and treatment of alcohol
36 and other chemical substance dependency. This requirement applies
37 only to applicants who matriculate on or after September 1, 1985.

38 (f) (1) Show by evidence satisfactory to the board that he or
39 she has completed coursework in spousal or partner abuse
40 assessment, detection, and intervention. This requirement applies

1 to applicants who began graduate training during the period
2 commencing on January 1, 1995, and ending on December 31,
3 2003.

4 (2) An applicant who began graduate training on or after January
5 1, 2004, shall show by evidence satisfactory to the board that he
6 or she has completed a minimum of 15 contact hours of coursework
7 in spousal or partner abuse assessment, detection, and intervention
8 strategies, including knowledge of community resources, cultural
9 factors, and same gender abuse dynamics. An applicant may request
10 an exemption from this requirement if he or she intends to practice
11 in an area that does not include the direct provision of mental health
12 services.

13 (3) Coursework required under this subdivision may be
14 satisfactory if taken either in fulfillment of other educational
15 requirements for licensure or in a separate course. This requirement
16 for coursework shall be satisfied by, and the board shall accept in
17 satisfaction of the requirement, a certification from the chief
18 academic officer of the educational institution from which the
19 applicant graduated that the required coursework is included within
20 the institution's required curriculum for graduation.

21 (g) An applicant holding a doctoral degree in psychology from
22 an approved institution is deemed to meet the requirements of this
23 section if both of the following are true:

24 (1) The approved institution offered a doctoral degree in
25 psychology designed to prepare students for a license to practice
26 psychology and was approved by the former Bureau for Private
27 Postsecondary and Vocational Education on or before July 1, 1999.

28 (2) The approved institution has not, since July 1, 1999, had a
29 new location, as described in Section 94823.5 of the Education
30 Code.

31 ~~SEC. 33.~~

32 *SEC. 32.* Section 3057 of the Business and Professions Code
33 is amended to read:

34 3057. (a) The board may issue a license to practice optometry
35 to a person who meets all of the following requirements:

36 (1) Has a degree as a doctor of optometry issued by an accredited
37 school or college of optometry.

38 (2) Has successfully passed the licensing examination for an
39 optometric license in another state.

1 (3) Submits proof that he or she is licensed in good standing as
2 of the date of application in every state where he or she holds a
3 license, including compliance with continuing education
4 requirements.

5 (4) Is not subject to disciplinary action as set forth in subdivision
6 (h) of Section 3110. If the person has been subject to disciplinary
7 action, the board shall review that action to determine if it presents
8 sufficient evidence of a violation of this chapter to warrant the
9 submission of additional information from the person or the denial
10 of the application for licensure.

11 (5) Has furnished a signed release allowing the disclosure of
12 information from the National Practitioner Database and, if
13 applicable, the verification of registration status with the federal
14 Drug Enforcement Administration. The board shall review this
15 information to determine if it presents sufficient evidence of a
16 violation of this chapter to warrant the submission of additional
17 information from the person or the denial of the application for
18 licensure.

19 (6) Has never had his or her license to practice optometry
20 revoked or suspended in any state where the person holds a license.

21 (7) (A) Is not subject to denial of an application for licensure
22 based on any of the grounds listed in Section 480.

23 (B) Is not currently required to register as a sex offender
24 pursuant to Section 290 of the Penal Code.

25 (8) Has met the minimum continuing education requirements
26 set forth in Section 3059 for the current and preceding year.

27 (9) Has met the certification requirements of Section 3041.3 to
28 use therapeutic pharmaceutical agents under subdivision (e) of
29 Section 3041.

30 (10) Submits any other information as specified by the board
31 to the extent it is required for licensure by examination under this
32 chapter.

33 (11) Files an application on a form prescribed by the board,
34 with an acknowledgment by the person executed under penalty of
35 perjury and automatic forfeiture of license, of the following:

36 (A) That the information provided by the person to the board
37 is true and correct, to the best of his or her knowledge and belief.

38 (B) That the person has not been convicted of an offense
39 involving conduct that would violate Section 810.

1 (12) Pays an application fee in an amount equal to the
2 application fee prescribed pursuant to subdivision (a) of Section
3 3152.

4 (13) Has successfully passed the board's jurisprudence
5 examination.

6 (b) If the board finds that the competency of a candidate for
7 licensure pursuant to this section is in question, the board may
8 require the passage of a written, practical, or clinical examination
9 or completion of additional continuing education or coursework.

10 (c) In cases where the person establishes, to the board's
11 satisfaction, that he or she has been displaced by a federally
12 declared emergency and cannot relocate to his or her state of
13 practice within a reasonable time without economic hardship, the
14 board may reduce or waive the fees required by paragraph (12) of
15 subdivision (a).

16 (d) Any license issued pursuant to this section shall expire as
17 provided in Section 3146, and may be renewed as provided in this
18 chapter, subject to the same conditions as other licenses issued
19 under this chapter.

20 (e) The term "in good standing," as used in this section, means
21 that a person under this section:

22 (1) Is not currently under investigation nor has been charged
23 with an offense for any act substantially related to the practice of
24 optometry by any public agency, nor entered into any consent
25 agreement or subject to an administrative decision that contains
26 conditions placed by an agency upon a person's professional
27 conduct or practice, including any voluntary surrender of license,
28 nor been the subject of an adverse judgment resulting from the
29 practice of optometry that the board determines constitutes
30 evidence of a pattern of incompetence or negligence.

31 (2) Has no physical or mental impairment related to drugs or
32 alcohol, and has not been found mentally incompetent by a licensed
33 psychologist or licensed psychiatrist so that the person is unable
34 to undertake the practice of optometry in a manner consistent with
35 the safety of a patient or the public.

36 ~~SEC. 34.~~

37 *SEC. 33.* Section 3509.5 of the Business and Professions Code
38 is amended to read:

39 3509.5. The board shall elect annually a president and a vice
40 president from among its members.

1 ~~SEC. 35.~~

2 ~~SEC. 34.~~ Section 4836.2 of the Business and Professions Code
3 is amended to read:

4 4836.2. (a) Applications for a veterinary assistant controlled
5 substance permit shall be upon a form furnished by the board.

6 (b) The fee for filing an application for a veterinary assistant
7 controlled substance permit shall be set by the board in an amount
8 the board determines is reasonably necessary to provide sufficient
9 funds to carry out the purposes of this section, not to exceed one
10 hundred dollars (\$100).

11 (c) The board may suspend or revoke the controlled substance
12 permit of a veterinary assistant after notice and hearing for any
13 cause provided in this subdivision. The proceedings under this
14 section shall be conducted in accordance with the provisions for
15 administrative adjudication in Chapter 5 (commencing with Section
16 11500) of Part 1 of Division 3 of Title 2 of the Government Code,
17 and the board shall have all the powers granted therein. The board
18 may deny, revoke, or suspend a veterinary assistant controlled
19 substance permit for any of the following reasons:

20 (1) The employment of fraud, misrepresentation, or deception
21 in obtaining a veterinary assistant controlled substance permit.

22 (2) Chronic inebriety or habitual use of controlled substances.

23 (3) The veterinary assistant to whom the permit is issued has
24 been convicted of a state or federal felony controlled substance
25 violation.

26 (4) Violating or attempts to violate, directly or indirectly, or
27 assisting in or abetting the violation of, or conspiring to violate,
28 any provision of this chapter, or of the regulations adopted under
29 this chapter.

30 (d) The board shall not issue a veterinary assistant controlled
31 substance permit to any applicant with a state or federal felony
32 controlled substance conviction.

33 (e) (1) As part of the application for a veterinary assistant
34 controlled substance permit, the applicant shall submit to the
35 Department of Justice fingerprint images and related information,
36 as required by the Department of Justice for all veterinary assistant
37 applicants, for the purposes of obtaining information as to the
38 existence and content of a record of state or federal convictions
39 and state or federal arrests and information as to the existence and
40 content of a record of state or federal arrests for which the

1 Department of Justice establishes that the person is free on bail or
2 on his or her own recognizance pending trial or appeal.

3 (2) When received, the Department of Justice shall forward to
4 the Federal Bureau of Investigation requests for federal summary
5 criminal history information that it receives pursuant to this section.
6 The Department of Justice shall review any information returned
7 to it from the Federal Bureau of Investigation and compile and
8 disseminate a response to the board summarizing that information.

9 (3) The Department of Justice shall provide a state or federal
10 level response to the board pursuant to paragraph (1) of subdivision
11 (p) of Section 11105 of the Penal Code.

12 (4) The Department of Justice shall charge a reasonable fee
13 sufficient to cover the cost of processing the request described in
14 this subdivision.

15 (f) The board shall request from the Department of Justice
16 subsequent notification service, as provided pursuant to Section
17 11105.2 of the Penal Code, for persons described in paragraph (1)
18 of subdivision (e).

19 (g) This section shall become operative on July 1, 2015.

20 ~~SEC. 36.~~

21 *SEC. 35.* Section 4887 of the Business and Professions Code
22 is amended to read:

23 4887. (a) A person whose license or registration has been
24 revoked or who has been placed on probation may petition the
25 board for reinstatement or modification of penalty including
26 modification or termination of probation after a period of not less
27 than one year has elapsed from the effective date of the decision
28 ordering the disciplinary action. The petition shall state such facts
29 as may be required by the board.

30 (b) The petition shall be accompanied by at least two verified
31 recommendations from veterinarians licensed by the board who
32 have personal knowledge of the activities of the petitioner since
33 the disciplinary penalty was imposed. The petition shall be heard
34 by the board. The board may consider all activities of the petitioner
35 since the disciplinary action was taken, the offense for which the
36 petitioner was disciplined, the petitioner's activities since the
37 license or registration was in good standing, and the petitioner's
38 rehabilitation efforts, general reputation for truth, and professional
39 ability. The hearing may be continued from time to time as the
40 board finds necessary.

(c) The board reinstating the license or registration or modifying a penalty may impose terms and conditions as it determines necessary. To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a vote of five of the members of the board.

(d) The petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

~~SEC. 37.~~

SEC. 36. Section 4938 of the Business and Professions Code is amended to read:

4938. The board shall issue a license to practice acupuncture to any person who makes an application and meets the following requirements:

(a) Is at least 18 years of age.

(b) Furnishes satisfactory evidence of completion of one of the following:

(1) (A) An approved educational and training program.

(B) If an applicant began his or her educational and training program at a school or college that submitted a letter of intent to pursue accreditation to, or attained candidacy status from, the Accreditation Commission for Acupuncture and Oriental Medicine, but the commission subsequently denied the school or college candidacy status or accreditation, respectively, the board may review and evaluate the educational training and clinical experience to determine whether to waive the requirements set forth in this subdivision with respect to that applicant.

(2) Satisfactory completion of a tutorial program in the practice of an acupuncturist that is approved by the board.

(3) In the case of an applicant who has completed education and training outside the United States, documented educational training and clinical experience that meets the standards established pursuant to Sections 4939 and 4941.

(c) Passes a written examination administered by the board that tests the applicant's ability, competency, and knowledge in the practice of an acupuncturist. The written examination shall be

1 developed by the Office of Professional Examination Services of
2 the Department of Consumer Affairs.

3 (d) Is not subject to denial pursuant to Division 1.5 (commencing
4 with Section 475).

5 (e) Completes a clinical internship training program approved
6 by the board. The clinical internship training program shall not
7 exceed nine months in duration and shall be located in a clinic in
8 this state that is an approved educational and training program.
9 The length of the clinical internship shall depend upon the grades
10 received in the examination and the clinical training already
11 satisfactorily completed by the individual prior to taking the
12 examination. On and after January 1, 1987, individuals with 800
13 or more hours of documented clinical training shall be deemed to
14 have met this requirement. The purpose of the clinical internship
15 training program shall be to ensure a minimum level of clinical
16 competence.

17 Each applicant who qualifies for a license shall pay, as a
18 condition precedent to its issuance and in addition to other fees
19 required, the initial licensure fee.

20 ~~SEC. 38.~~

21 *SEC. 37.* Section 4939 of the Business and Professions Code,
22 as added by Section 9 of Chapter 397 of the Statutes of 2014, is
23 amended to read:

24 4939. (a) The board shall establish standards for the approval
25 of educational training and clinical experience received outside
26 the United States.

27 (b) This section shall become operative on January 1, 2017.

28 ~~SEC. 39.~~

29 *SEC. 38.* Section 4980.399 of the Business and Professions
30 Code is amended to read:

31 4980.399. (a) Except as provided in subdivision (a) of Section
32 4980.398, each applicant and registrant shall obtain a passing score
33 on a board-administered California law and ethics examination in
34 order to qualify for licensure.

35 (b) A registrant shall participate in a board-administered
36 California law and ethics examination prior to his or her registration
37 renewal.

38 (c) Notwithstanding subdivision (b), an applicant who holds a
39 registration eligible for renewal, with an expiration date no later
40 than June 30, 2016, and who applies for renewal of that registration

1 between January 1, 2016, and June 30, 2016, shall, if eligible, be
2 allowed to renew the registration without first participating in the
3 California law and ethics examination. These applicants shall
4 participate in the California law and ethics examination in the next
5 renewal cycle, and shall pass the examination prior to licensure or
6 issuance of a subsequent registration number, as specified in this
7 section.

8 (d) If an applicant fails the California law and ethics
9 examination, he or she may retake the examination, upon payment
10 of the required fees, without further application except as provided
11 in subdivision (e).

12 (e) If a registrant fails to obtain a passing score on the California
13 law and ethics examination described in subdivision (a) within his
14 or her renewal period on or after the operative date of this section,
15 he or she shall complete, at a minimum, a 12-hour course in
16 California law and ethics in order to be eligible to participate in
17 the California law and ethics examination. Registrants shall only
18 take the 12-hour California law and ethics course once during a
19 renewal period. The 12-hour law and ethics course required by
20 this section shall be taken through a continuing education provider
21 as specified by the board by regulation, a county, state or
22 governmental entity, or a college or university.

23 (f) The board shall not issue a subsequent registration number
24 unless the registrant has passed the California law and ethics
25 examination.

26 (g) Notwithstanding subdivision (f), an applicant who holds or
27 has held a registration, with an expiration date no later than January
28 1, 2017, and who applies for a subsequent registration number
29 between January 1, 2016, and January 1, 2017, shall, if eligible,
30 be allowed to obtain the subsequent registration number without
31 first passing the California law and ethics examination. These
32 applicants shall pass the California law and ethics examination
33 during the next renewal period or prior to licensure, whichever
34 occurs first.

35 (h) This section shall become operative on January 1, 2016.

36 ~~SEC. 40.~~

37 *SEC. 39.* Section 4980.43 of the Business and Professions Code
38 is amended to read:

1 4980.43. (a) Prior to applying for licensure examinations, each
2 applicant shall complete experience that shall comply with the
3 following:

4 (1) A minimum of 3,000 hours completed during a period of at
5 least 104 weeks.

6 (2) Not more than 40 hours in any seven consecutive days.

7 (3) Not less than 1,700 hours of supervised experience
8 completed subsequent to the granting of the qualifying master's
9 or doctoral degree.

10 (4) Not more than 1,300 hours of supervised experience obtained
11 prior to completing a master's or doctoral degree.

12 The applicant shall not be credited with more than 750 hours of
13 counseling and direct supervisor contact prior to completing the
14 master's or doctoral degree.

15 (5) No hours of experience may be gained prior to completing
16 either 12 semester units or 18 quarter units of graduate instruction
17 and becoming a trainee except for personal psychotherapy.

18 (6) No hours of experience may be gained more than six years
19 prior to the date the application for examination eligibility was
20 filed, except that up to 500 hours of clinical experience gained in
21 the supervised practicum required by subdivision (c) of Section
22 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
23 of Section 4980.36 shall be exempt from this six-year requirement.

24 (7) Not more than a combined total of 1,000 hours of experience
25 in the following:

26 (A) Direct supervisor contact.

27 (B) Professional enrichment activities. For purposes of this
28 chapter, "professional enrichment activities" include the following:

29 (i) Workshops, seminars, training sessions, or conferences
30 directly related to marriage and family therapy attended by the
31 applicant that are approved by the applicant's supervisor. An
32 applicant shall have no more than 250 hours of verified attendance
33 at these workshops, seminars, training sessions, or conferences.

34 (ii) Participation by the applicant in personal psychotherapy,
35 which includes group, marital or conjoint, family, or individual
36 psychotherapy by an appropriately licensed professional. An
37 applicant shall have no more than 100 hours of participation in
38 personal psychotherapy. The applicant shall be credited with three
39 hours of experience for each hour of personal psychotherapy.

1 (8) Not more than 500 hours of experience providing group
2 therapy or group counseling.

3 (9) For all hours gained on or after January 1, 2012, not more
4 than 500 hours of experience in the following:

5 (A) Experience administering and evaluating psychological
6 tests, writing clinical reports, writing progress notes, or writing
7 process notes.

8 (B) Client centered advocacy.

9 (10) Not less than 500 total hours of experience in diagnosing
10 and treating couples, families, and children. For up to 150 hours
11 of treating couples and families in conjoint therapy, the applicant
12 shall be credited with two hours of experience for each hour of
13 therapy provided.

14 (11) Not more than 375 hours of experience providing personal
15 psychotherapy, crisis counseling, or other counseling services via
16 telehealth in accordance with Section 2290.5.

17 (12) It is anticipated and encouraged that hours of experience
18 will include working with elders and dependent adults who have
19 physical or mental limitations that restrict their ability to carry out
20 normal activities or protect their rights.

21 This subdivision shall only apply to hours gained on and after
22 January 1, 2010.

23 (b) All applicants, trainees, and registrants shall be at all times
24 under the supervision of a supervisor who shall be responsible for
25 ensuring that the extent, kind, and quality of counseling performed
26 is consistent with the training and experience of the person being
27 supervised, and who shall be responsible to the board for
28 compliance with all laws, rules, and regulations governing the
29 practice of marriage and family therapy. Supervised experience
30 shall be gained by interns and trainees only as an employee or as
31 a volunteer. The requirements of this chapter regarding gaining
32 hours of experience and supervision are applicable equally to
33 employees and volunteers. Experience shall not be gained by
34 interns or trainees as an independent contractor.

35 (1) If employed, an intern shall provide the board with copies
36 of the corresponding W-2 tax forms for each year of experience
37 claimed upon application for licensure.

38 (2) If volunteering, an intern shall provide the board with a letter
39 from his or her employer verifying the intern's employment as a
40 volunteer upon application for licensure.

1 (c) Except for experience gained pursuant to subparagraph (B)
2 of paragraph (7) of subdivision (a), supervision shall include at
3 least one hour of direct supervisor contact in each week for which
4 experience is credited in each work setting, as specified:

5 (1) A trainee shall receive an average of at least one hour of
6 direct supervisor contact for every five hours of client contact in
7 each setting. No more than six hours of supervision, whether
8 individual or group, shall be credited during any single week.

9 (2) An individual supervised after being granted a qualifying
10 degree shall receive at least one additional hour of direct supervisor
11 contact for every week in which more than 10 hours of client
12 contact is gained in each setting. No more than six hours of
13 supervision, whether individual or group, shall be credited during
14 any single week.

15 (3) For purposes of this section, “one hour of direct supervisor
16 contact” means one hour per week of face-to-face contact on an
17 individual basis or two hours per week of face-to-face contact in
18 a group.

19 (4) Direct supervisor contact shall occur within the same week
20 as the hours claimed.

21 (5) Direct supervisor contact provided in a group shall be
22 provided in a group of not more than eight supervisees and in
23 segments lasting no less than one continuous hour.

24 (6) Notwithstanding paragraph (3), an intern working in a
25 governmental entity, a school, a college, or a university, or an
26 institution that is both nonprofit and charitable may obtain the
27 required weekly direct supervisor contact via two-way, real-time
28 videoconferencing. The supervisor shall be responsible for ensuring
29 that client confidentiality is upheld.

30 (7) All experience gained by a trainee shall be monitored by the
31 supervisor as specified by regulation.

32 (8) The six hours of supervision that may be credited during
33 any single week pursuant to paragraphs (1) and (2) shall apply to
34 supervision hours gained on or after January 1, 2009.

35 (d) (1) A trainee may be credited with supervised experience
36 completed in any setting that meets all of the following:

37 (A) Lawfully and regularly provides mental health counseling
38 or psychotherapy.

39 (B) Provides oversight to ensure that the trainee’s work at the
40 setting meets the experience and supervision requirements set forth

1 in this chapter and is within the scope of practice for the profession
2 as defined in Section 4980.02.

3 (C) Is not a private practice owned by a licensed marriage and
4 family therapist, a licensed professional clinical counselor, a
5 licensed psychologist, a licensed clinical social worker, a licensed
6 physician and surgeon, or a professional corporation of any of
7 those licensed professions.

8 (2) Experience may be gained by the trainee solely as part of
9 the position for which the trainee volunteers or is employed.

10 (e) (1) An intern may be credited with supervised experience
11 completed in any setting that meets both of the following:

12 (A) Lawfully and regularly provides mental health counseling
13 or psychotherapy.

14 (B) Provides oversight to ensure that the intern's work at the
15 setting meets the experience and supervision requirements set forth
16 in this chapter and is within the scope of practice for the profession
17 as defined in Section 4980.02.

18 (2) An applicant shall not be employed or volunteer in a private
19 practice, as defined in subparagraph (C) of paragraph (1) of
20 subdivision (d), until registered as an intern.

21 (3) While an intern may be either a paid employee or a
22 volunteer, employers are encouraged to provide fair remuneration
23 to interns.

24 (4) Except for periods of time during a supervisor's vacation or
25 sick leave, an intern who is employed or volunteering in private
26 practice shall be under the direct supervision of a licensee that has
27 satisfied subdivision (g) of Section 4980.03. The supervising
28 licensee shall either be employed by and practice at the same site
29 as the intern's employer, or shall be an owner or shareholder of
30 the private practice. Alternative supervision may be arranged during
31 a supervisor's vacation or sick leave if the supervision meets the
32 requirements of this section.

33 (5) Experience may be gained by the intern solely as part of the
34 position for which the intern volunteers or is employed.

35 (f) Except as provided in subdivision (g), all persons shall
36 register with the board as an intern to be credited for postdegree
37 hours of supervised experience gained toward licensure.

38 (g) Postdegree hours of experience shall be credited toward
39 licensure so long as the applicant applies for the intern registration
40 within 90 days of the granting of the qualifying master's or doctoral

1 degree and is thereafter granted the intern registration by the board.
2 An applicant shall not be employed or volunteer in a private
3 practice until registered as an intern by the board.

4 (h) Trainees, interns, and applicants shall not receive any
5 remuneration from patients or clients, and shall only be paid by
6 their employers.

7 (i) Trainees, interns, and applicants shall only perform services
8 at the place where their employers regularly conduct business,
9 which may include performing services at other locations, so long
10 as the services are performed under the direction and control of
11 their employer and supervisor, and in compliance with the laws
12 and regulations pertaining to supervision. Trainees and interns
13 shall have no proprietary interest in their employers' businesses
14 and shall not lease or rent space, pay for furnishings, equipment,
15 or supplies, or in any other way pay for the obligations of their
16 employers.

17 (j) Trainees, interns, or applicants who provide volunteered
18 services or other services, and who receive no more than a total,
19 from all work settings, of five hundred dollars (\$500) per month
20 as reimbursement for expenses actually incurred by those trainees,
21 interns, or applicants for services rendered in any lawful work
22 setting other than a private practice shall be considered an
23 employee and not an independent contractor. The board may audit
24 applicants who receive reimbursement for expenses, and the
25 applicants shall have the burden of demonstrating that the payments
26 received were for reimbursement of expenses actually incurred.

27 (k) Each educational institution preparing applicants for
28 licensure pursuant to this chapter shall consider requiring, and
29 shall encourage, its students to undergo individual, marital or
30 conjoint, family, or group counseling or psychotherapy, as
31 appropriate. Each supervisor shall consider, advise, and encourage
32 his or her interns and trainees regarding the advisability of
33 undertaking individual, marital or conjoint, family, or group
34 counseling or psychotherapy, as appropriate. Insofar as it is deemed
35 appropriate and is desired by the applicant, the educational
36 institution and supervisors are encouraged to assist the applicant
37 in locating that counseling or psychotherapy at a reasonable cost.

38 ~~SEC. 41.~~

39 *SEC. 40.* Section 4980.54 of the Business and Professions Code
40 is amended to read:

1 4980.54. (a) The Legislature recognizes that the education and
2 experience requirements in this chapter constitute only minimal
3 requirements to ensure that an applicant is prepared and qualified
4 to take the licensure examinations as specified in subdivision (d)
5 of Section 4980.40 and, if he or she passes those examinations, to
6 begin practice.

7 (b) In order to continuously improve the competence of licensed
8 marriage and family therapists and as a model for all
9 psychotherapeutic professions, the Legislature encourages all
10 licensees to regularly engage in continuing education related to
11 the profession or scope of practice as defined in this chapter.

12 (c) Except as provided in subdivision (e), the board shall not
13 renew any license pursuant to this chapter unless the applicant
14 certifies to the board, on a form prescribed by the board, that he
15 or she has completed not less than 36 hours of approved continuing
16 education in or relevant to the field of marriage and family therapy
17 in the preceding two years, as determined by the board.

18 (d) The board shall have the right to audit the records of any
19 applicant to verify the completion of the continuing education
20 requirement. Applicants shall maintain records of completion of
21 required continuing education coursework for a minimum of two
22 years and shall make these records available to the board for
23 auditing purposes upon request.

24 (e) The board may establish exceptions from the continuing
25 education requirements of this section for good cause, as defined
26 by the board.

27 (f) The continuing education shall be obtained from one of the
28 following sources:

29 (1) An accredited school or state-approved school that meets
30 the requirements set forth in Section 4980.36 or 4980.37. Nothing
31 in this paragraph shall be construed as requiring coursework to be
32 offered as part of a regular degree program.

33 (2) Other continuing education providers, as specified by the
34 board by regulation.

35 (g) The board shall establish, by regulation, a procedure for
36 identifying acceptable providers of continuing education courses,
37 and all providers of continuing education, as described in
38 paragraphs (1) and (2) of subdivision (f), shall adhere to procedures
39 established by the board. The board may revoke or deny the right
40 of a provider to offer continuing education coursework pursuant

1 to this section for failure to comply with this section or any
2 regulation adopted pursuant to this section.

3 (h) Training, education, and coursework by approved providers
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the
6 understanding or the practice of marriage and family therapy.

7 (2) Aspects of the discipline of marriage and family therapy in
8 which significant recent developments have occurred.

9 (3) Aspects of other disciplines that enhance the understanding
10 or the practice of marriage and family therapy.

11 (i) A system of continuing education for licensed marriage and
12 family therapists shall include courses directly related to the
13 diagnosis, assessment, and treatment of the client population being
14 served.

15 (j) The board shall, by regulation, fund the administration of
16 this section through continuing education provider fees to be
17 deposited in the Behavioral Sciences Fund. The fees related to the
18 administration of this section shall be sufficient to meet, but shall
19 not exceed, the costs of administering the corresponding provisions
20 of this section. For purposes of this subdivision, a provider of
21 continuing education as described in paragraph (1) of subdivision
22 (f) shall be deemed to be an approved provider.

23 (k) The continuing education requirements of this section shall
24 comply fully with the guidelines for mandatory continuing
25 education established by the Department of Consumer Affairs
26 pursuant to Section 166.

27 ~~SEC. 42.~~

28 *SEC. 41.* Section 4984.01 of the Business and Professions
29 Code, as amended by Section 31 of Chapter 473 of the Statutes of
30 2013, is amended to read:

31 4984.01. (a) The marriage and family therapist intern
32 registration shall expire one year from the last day of the month
33 in which it was issued.

34 (b) To renew the registration, the registrant shall, on or before
35 the expiration date of the registration, complete all of the following
36 actions:

37 (1) Apply for renewal on a form prescribed by the board.

38 (2) Pay a renewal fee prescribed by the board.

1 (3) Participate in the California law and ethics examination
2 pursuant to Section 4980.399 each year until successful completion
3 of this examination.

4 (4) Notify the board whether he or she has been convicted, as
5 defined in Section 490, of a misdemeanor or felony, and whether
6 any disciplinary action has been taken against him or her by a
7 regulatory or licensing board in this or any other state subsequent
8 to the last renewal of the registration.

9 (c) The registration may be renewed a maximum of five times.
10 No registration shall be renewed or reinstated beyond six years
11 from the last day of the month during which it was issued,
12 regardless of whether it has been revoked. When no further
13 renewals are possible, an applicant may apply for and obtain a
14 subsequent intern registration number if the applicant meets the
15 educational requirements for registration in effect at the time of
16 the application for a subsequent intern registration number and
17 has passed the California law and ethics examination described in
18 Section 4980.399. An applicant who is issued a subsequent intern
19 registration number pursuant to this subdivision shall not be
20 employed or volunteer in a private practice.

21 (d) This section shall become operative on January 1, 2016.

22 ~~SEC. 43.~~

23 *SEC. 42.* Section 4989.34 of the Business and Professions Code
24 is amended to read:

25 4989.34. (a) To renew his or her license, a licensee shall certify
26 to the board, on a form prescribed by the board, completion in the
27 preceding two years of not less than 36 hours of approved
28 continuing education in, or relevant to, educational psychology.

29 (b) (1) The continuing education shall be obtained from either
30 an accredited university or a continuing education provider as
31 specified by the board by regulation.

32 (2) The board shall establish, by regulation, a procedure
33 identifying acceptable providers of continuing education courses,
34 and all providers of continuing education shall comply with
35 procedures established by the board. The board may revoke or
36 deny the right of a provider to offer continuing education
37 coursework pursuant to this section for failure to comply with this
38 section or any regulation adopted pursuant to this section.

39 (c) Training, education, and coursework by approved providers
40 shall incorporate one or more of the following:

1 (1) Aspects of the discipline that are fundamental to the
2 understanding or the practice of educational psychology.

3 (2) Aspects of the discipline of educational psychology in which
4 significant recent developments have occurred.

5 (3) Aspects of other disciplines that enhance the understanding
6 or the practice of educational psychology.

7 (d) The board may audit the records of a licensee to verify
8 completion of the continuing education requirement. A licensee
9 shall maintain records of the completion of required continuing
10 education coursework for a minimum of two years and shall make
11 these records available to the board for auditing purposes upon its
12 request.

13 (e) The board may establish exceptions from the continuing
14 education requirements of this section for good cause, as
15 determined by the board.

16 (f) The board shall, by regulation, fund the administration of
17 this section through continuing education provider fees to be
18 deposited in the Behavioral Sciences Fund. The amount of the fees
19 shall be sufficient to meet, but shall not exceed, the costs of
20 administering this section.

21 (g) The continuing education requirements of this section shall
22 comply fully with the guidelines for mandatory continuing
23 education established by the Department of Consumer Affairs
24 pursuant to Section 166.

25 ~~SEC. 44.~~

26 *SEC. 43.* Section 4992.09 of the Business and Professions Code
27 is amended to read:

28 4992.09. (a) Except as provided in subdivision (a) of Section
29 4992.07, an applicant and registrant shall obtain a passing score
30 on a board-administered California law and ethics examination in
31 order to qualify for licensure.

32 (b) A registrant shall participate in a board-administered
33 California law and ethics examination prior to his or her registration
34 renewal.

35 (c) Notwithstanding subdivision (b), an applicant who holds a
36 registration eligible for renewal, with an expiration date no later
37 than June 30, 2016, and who applies for renewal of that registration
38 between January 1, 2016, and June 30, 2016, shall, if eligible, be
39 allowed to renew the registration without first participating in the
40 California law and ethics examination. These applicants shall

1 participate in the California law and ethics examination in the next
2 renewal cycle, and shall pass the examination prior to licensure or
3 issuance of a subsequent registration number, as specified in this
4 section.

5 (d) If an applicant fails the California law and ethics
6 examination, he or she may retake the examination, upon payment
7 of the required fees, without further application except for as
8 provided in subdivision (e).

9 (e) If a registrant fails to obtain a passing score on the California
10 law and ethics examination described in subdivision (a) within his
11 or her renewal period on or after the operative date of this section,
12 he or she shall complete, at a minimum, a 12-hour course in
13 California law and ethics in order to be eligible to participate in
14 the California law and ethics examination. Registrants shall only
15 take the 12-hour California law and ethics course once during a
16 renewal period. The 12-hour law and ethics course required by
17 this section shall be taken through a continuing education provider,
18 as specified by the board by regulation, a county, state or
19 governmental entity, or a college or university.

20 (f) The board shall not issue a subsequent registration number
21 unless the registrant has passed the California law and ethics
22 examination.

23 (g) Notwithstanding subdivision (f), an applicant who holds or
24 has held a registration, with an expiration date no later than January
25 1, 2017, and who applies for a subsequent registration number
26 between January 1, 2016, and January 1, 2017, shall, if eligible,
27 be allowed to obtain the subsequent registration number without
28 first passing the California law and ethics examination. These
29 applicants shall pass the California law and ethics examination
30 during the next renewal period or prior to licensure, whichever
31 occurs first.

32 (h) This section shall become operative on January 1, 2016.

33 ~~SEC. 45.~~

34 *SEC. 44.* Section 4996.2 of the Business and Professions Code
35 is amended to read:

36 4996.2. Each applicant for a license shall furnish evidence
37 satisfactory to the board that he or she complies with all of the
38 following requirements:

39 (a) Is at least 21 years of age.

1 (b) Has received a master's degree from an accredited school
2 of social work.

3 (c) Has had two years of supervised post-master's degree
4 experience, as specified in Section 4996.23.

5 (d) Has not committed any crimes or acts constituting grounds
6 for denial of licensure under Section 480. The board shall not issue
7 a registration or license to any person who has been convicted of
8 any crime in this or another state or in a territory of the United
9 States that involves sexual abuse of children or who is required to
10 register pursuant to Section 290 of the Penal Code or the equivalent
11 in another state or territory.

12 (e) Has completed adequate instruction and training in the
13 subject of alcoholism and other chemical substance dependency.
14 This requirement applies only to applicants who matriculate on or
15 after January 1, 1986.

16 (f) Has completed instruction and training in spousal or partner
17 abuse assessment, detection, and intervention. This requirement
18 applies to an applicant who began graduate training during the
19 period commencing on January 1, 1995, and ending on December
20 31, 2003. An applicant who began graduate training on or after
21 January 1, 2004, shall complete a minimum of 15 contact hours
22 of coursework in spousal or partner abuse assessment, detection,
23 and intervention strategies, including knowledge of community
24 resources, cultural factors, and same gender abuse dynamics.
25 Coursework required under this subdivision may be satisfactory
26 if taken either in fulfillment of other educational requirements for
27 licensure or in a separate course.

28 (g) Has completed a minimum of 10 contact hours of training
29 or coursework in human sexuality as specified in Section 1807 of
30 Title 16 of the California Code of Regulations. This training or
31 coursework may be satisfactory if taken either in fulfillment of
32 other educational requirements for licensure or in a separate course.

33 (h) Has completed a minimum of seven contact hours of training
34 or coursework in child abuse assessment and reporting as specified
35 in Section 1807.2 of Title 16 of the California Code of Regulations.
36 This training or coursework may be satisfactory if taken either in
37 fulfillment of other educational requirements for licensure or in a
38 separate course.

1 ~~SEC. 46.~~

2 *SEC. 45.* Section 4996.22 of the Business and Professions Code
3 is amended to read:

4 4996.22. (a) (1) Except as provided in subdivision (c), the
5 board shall not renew any license pursuant to this chapter unless
6 the applicant certifies to the board, on a form prescribed by the
7 board, that he or she has completed not less than 36 hours of
8 approved continuing education in or relevant to the field of social
9 work in the preceding two years, as determined by the board.

10 (2) The board shall not renew any license of an applicant who
11 began graduate study prior to January 1, 2004, pursuant to this
12 chapter unless the applicant certifies to the board that during the
13 applicant's first renewal period after the operative date of this
14 section, he or she completed a continuing education course in
15 spousal or partner abuse assessment, detection, and intervention
16 strategies, including community resources, cultural factors, and
17 same gender abuse dynamics. On and after January 1, 2005, the
18 course shall consist of not less than seven hours of training.
19 Equivalent courses in spousal or partner abuse assessment,
20 detection, and intervention strategies taken prior to the operative
21 date of this section or proof of equivalent teaching or practice
22 experience may be submitted to the board and at its discretion,
23 may be accepted in satisfaction of this requirement. Continuing
24 education courses taken pursuant to this paragraph shall be applied
25 to the 36 hours of approved continuing education required under
26 paragraph (1).

27 (b) The board shall have the right to audit the records of any
28 applicant to verify the completion of the continuing education
29 requirement. Applicants shall maintain records of completion of
30 required continuing education coursework for a minimum of two
31 years and shall make these records available to the board for
32 auditing purposes upon request.

33 (c) The board may establish exceptions from the continuing
34 education requirement of this section for good cause as defined
35 by the board.

36 (d) The continuing education shall be obtained from one of the
37 following sources:

38 (1) An accredited school of social work, as defined in Section
39 4991.2, or a school or department of social work that is a candidate
40 for accreditation by the Commission on Accreditation of the

1 Council on Social Work Education. Nothing in this paragraph shall
2 be construed as requiring coursework to be offered as part of a
3 regular degree program.

4 (2) Other continuing education providers, as specified by the
5 board by regulation.

6 (e) The board shall establish, by regulation, a procedure for
7 identifying acceptable providers of continuing education courses,
8 and all providers of continuing education, as described in
9 paragraphs (1) and (2) of subdivision (d), shall adhere to the
10 procedures established by the board. The board may revoke or
11 deny the right of a provider to offer continuing education
12 coursework pursuant to this section for failure to comply with this
13 section or any regulation adopted pursuant to this section.

14 (f) Training, education, and coursework by approved providers
15 shall incorporate one or more of the following:

16 (1) Aspects of the discipline that are fundamental to the
17 understanding, or the practice, of social work.

18 (2) Aspects of the social work discipline in which significant
19 recent developments have occurred.

20 (3) Aspects of other related disciplines that enhance the
21 understanding, or the practice, of social work.

22 (g) A system of continuing education for licensed clinical social
23 workers shall include courses directly related to the diagnosis,
24 assessment, and treatment of the client population being served.

25 (h) The continuing education requirements of this section shall
26 comply fully with the guidelines for mandatory continuing
27 education established by the Department of Consumer Affairs
28 pursuant to Section 166.

29 (i) The board may adopt regulations as necessary to implement
30 this section.

31 (j) The board shall, by regulation, fund the administration of
32 this section through continuing education provider fees to be
33 deposited in the Behavioral Sciences Fund. The fees related to the
34 administration of this section shall be sufficient to meet, but shall
35 not exceed, the costs of administering the corresponding provisions
36 of this section. For purposes of this subdivision, a provider of
37 continuing education as described in paragraph (1) of subdivision
38 (d) shall be deemed to be an approved provider.

1 ~~SEC. 47.~~

2 ~~SEC. 46.~~ Section 4996.28 of the Business and Professions Code
3 is amended to read:

4 4996.28. (a) Registration as an associate clinical social worker
5 shall expire one year from the last day of the month during which
6 it was issued. To renew a registration, the registrant shall, on or
7 before the expiration date of the registration, complete all of the
8 following actions:

9 (1) Apply for renewal on a form prescribed by the board.

10 (2) Pay a renewal fee prescribed by the board.

11 (3) Notify the board whether he or she has been convicted, as
12 defined in Section 490, of a misdemeanor or felony, and whether
13 any disciplinary action has been taken by a regulatory or licensing
14 board in this or any other state, subsequent to the last renewal of
15 the registration.

16 (4) On and after January 1, 2016, obtain a passing score on the
17 California law and ethics examination pursuant to Section 4992.09.

18 (b) A registration as an associate clinical social worker may be
19 renewed a maximum of five times. When no further renewals are
20 possible, an applicant may apply for and obtain a subsequent
21 associate clinical social worker registration number if the applicant
22 meets all requirements for registration in effect at the time of his
23 or her application for a subsequent associate clinical social worker
24 registration number. An applicant issued a subsequent associate
25 registration number pursuant to this subdivision shall not be
26 employed or volunteer in a private practice.

27 ~~SEC. 48.~~

28 ~~SEC. 47.~~ Section 4999.1 of the Business and Professions Code
29 is amended to read:

30 4999.1. Application for registration as a telephone medical
31 advice service shall be made on a form prescribed by the
32 department, accompanied by the fee prescribed pursuant to Section
33 4999.5. The department shall make application forms available.
34 Applications shall contain all of the following:

35 (a) The signature of the individual owner of the telephone
36 medical advice service, or of all of the partners if the service is a
37 partnership, or of the president or secretary if the service is a
38 corporation. The signature shall be accompanied by a resolution
39 or other written communication identifying the individual whose
40 signature is on the form as owner, partner, president, or secretary.

1 (b) The name under which the person applying for the telephone
2 medical advice service proposes to do business.

3 (c) The physical address, mailing address, and telephone number
4 of the business entity.

5 (d) The designation, including the name and physical address,
6 of an agent for service of process in California.

7 (e) A list of all health care professionals providing medical
8 advice services that are required to be licensed, registered, or
9 certified pursuant to this chapter. This list shall be submitted to
10 the department on a form to be prescribed by the department and
11 shall include, but not be limited to, the name, state of licensure,
12 type of license, and license number.

13 (f) The department shall be notified within 30 days of any
14 change of name, physical location, mailing address, or telephone
15 number of any business, owner, partner, corporate officer, or agent
16 for service of process in California, together with copies of all
17 resolutions or other written communications that substantiate these
18 changes.

19 ~~SEC. 49.~~

20 *SEC. 48.* Section 4999.2 of the Business and Professions Code
21 is amended to read:

22 4999.2. (a) In order to obtain and maintain a registration, a
23 telephone medical advice service shall comply with the
24 requirements established by the department. Those requirements
25 shall include, but shall not be limited to, all of the following:

26 (1) (A) Ensuring that all health care professionals who provide
27 medical advice services are appropriately licensed, certified, or
28 registered as a physician and surgeon pursuant to Chapter 5
29 (commencing with Section 2000) or the Osteopathic Initiative Act,
30 as a dentist, dental hygienist, dental hygienist in alternative
31 practice, or dental hygienist in extended functions pursuant to
32 Chapter 4 (commencing with Section 1600), as an occupational
33 therapist pursuant to Chapter 5.6 (commencing with Section 2570),
34 as a registered nurse pursuant to Chapter 6 (commencing with
35 Section 2700), as a psychologist pursuant to Chapter 6.6
36 (commencing with Section 2900), as a naturopathic doctor pursuant
37 to Chapter 8.2 (commencing with Section 3610), as a marriage
38 and family therapist pursuant to Chapter 13 (commencing with
39 Section 4980), as a licensed clinical social worker pursuant to
40 Chapter 14 (commencing with Section 4991), as a licensed

1 professional clinical counselor pursuant to Chapter 16
2 (commencing with Section 4999.10), as an optometrist pursuant
3 to Chapter 7 (commencing with Section 3000), or as a chiropractor
4 pursuant to the Chiropractic Initiative Act, and operating consistent
5 with the laws governing their respective scopes of practice in the
6 state within which they provide telephone medical advice services,
7 except as provided in paragraph (2).

8 (B) Ensuring that all health care professionals who provide
9 telephone medical advice services from an out-of-state location,
10 as identified in subparagraph (A), are licensed, registered, or
11 certified in the state within which they are providing the telephone
12 medical advice services and are operating consistent with the laws
13 governing their respective scopes of practice.

14 (2) Ensuring that the telephone medical advice provided is
15 consistent with good professional practice.

16 (3) Maintaining records of telephone medical advice services,
17 including records of complaints, provided to patients in California
18 for a period of at least five years.

19 (4) Ensuring that no staff member uses a title or designation
20 when speaking to an enrollee, subscriber, or consumer that may
21 cause a reasonable person to believe that the staff member is a
22 licensed, certified, or registered health care professional described
23 in subparagraph (A) of paragraph (1), unless the staff member is
24 a licensed, certified, or registered professional.

25 (5) Complying with all directions and requests for information
26 made by the department.

27 (6) Notifying the department within 30 days of any change of
28 name, physical location, mailing address, or telephone number of
29 any business, owner, partner, corporate officer, or agent for service
30 of process in California, together with copies of all resolutions or
31 other written communications that substantiate these changes.

32 (7) Submitting quarterly reports, on a form prescribed by the
33 department, to the department within 30 days of the end of each
34 calendar quarter.

35 (b) To the extent permitted by Article VII of the California
36 Constitution, the department may contract with a private nonprofit
37 accrediting agency to evaluate the qualifications of applicants for
38 registration pursuant to this chapter and to make recommendations
39 to the department.

~~SEC. 50.~~

SEC. 49. Section 4999.3 of the Business and Professions Code is amended to read:

4999.3. (a) The department may suspend, revoke, or otherwise discipline a registrant or deny an application for registration as a telephone medical advice service based on any of the following:

(1) Incompetence, gross negligence, or repeated similar negligent acts performed by the registrant or any employee of the registrant.

(2) An act of dishonesty or fraud by the registrant or any employee of the registrant.

(3) The commission of any act, or being convicted of a crime, that constitutes grounds for denial or revocation of licensure pursuant to any provision of this division.

(b) The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all powers granted therein.

(c) Copies of any complaint against a telephone medical advice service shall be forwarded to the Department of Managed Health Care.

(d) The department shall forward a copy of any complaint submitted to the department pursuant to this chapter to the entity that issued the license to the licensee involved in the advice provided to the patient.

~~SEC. 51.~~

SEC. 50. Section 4999.4 of the Business and Professions Code is amended to read:

4999.4. (a) Every registration issued to a telephone medical advice service shall expire 24 months after the initial date of issuance.

(b) To renew an unexpired registration, the registrant shall, before the time at which the registration would otherwise expire, pay the renewal fee authorized by Section 4999.5.

(c) An expired registration may be renewed at any time within three years after its expiration upon the filing of an application for renewal on a form prescribed by the bureau and the payment of all fees authorized by Section 4999.5. A registration that is not renewed within three years following its expiration shall not be renewed, restored, or reinstated thereafter, and the delinquent

1 registration shall be canceled immediately upon expiration of the
2 three-year period.

3 ~~SEC. 52.~~

4 *SEC. 51.* Section 4999.5 of the Business and Professions Code
5 is amended to read:

6 4999.5. The department may set fees for registration and
7 renewal as a telephone medical advice service sufficient to pay
8 the costs of administration of this chapter.

9 ~~SEC. 53.~~

10 *SEC. 52.* Section 4999.7 of the Business and Professions Code
11 is amended to read:

12 4999.7. (a) This section does not limit, preclude, or otherwise
13 interfere with the practices of other persons licensed or otherwise
14 authorized to practice, under any other provision of this division,
15 telephone medical advice services consistent with the laws
16 governing their respective scopes of practice, or licensed under
17 the Osteopathic Initiative Act or the Chiropractic Initiative Act
18 and operating consistent with the laws governing their respective
19 scopes of practice.

20 (b) For purposes of this chapter, “telephone medical advice”
21 means a telephonic communication between a patient and a health
22 care professional in which the health care professional’s primary
23 function is to provide to the patient a telephonic response to the
24 patient’s questions regarding his or her or a family member’s
25 medical care or treatment. “Telephone medical advice” includes
26 assessment, evaluation, or advice provided to patients or their
27 family members.

28 (c) For purposes of this chapter, “health care professional” is
29 an employee or independent contractor described in Section 4999.2
30 who provides medical advice services and is appropriately licensed,
31 certified, or registered as a dentist, dental hygienist, dental hygienist
32 in alternative practice, or dental hygienist in extended functions
33 pursuant to Chapter 4 (commencing with Section 1600), as a
34 physician and surgeon pursuant to Chapter 5 (commencing with
35 Section 2000) or the Osteopathic Initiative Act, as a registered
36 nurse pursuant to Chapter 6 (commencing with Section 2700), as
37 a psychologist pursuant to Chapter 6.6 (commencing with Section
38 2900), as a naturopathic doctor pursuant to Chapter 8.2
39 (commencing with Section 3610), as an optometrist pursuant to
40 Chapter 7 (commencing with Section 3000), as a marriage and

1 family therapist pursuant to Chapter 13 (commencing with Section
2 4980), as a licensed clinical social worker pursuant to Chapter 14
3 (commencing with Section 4991), as a licensed professional clinical
4 counselor pursuant to Chapter 16 (commencing with Section
5 4999.10), or as a chiropractor pursuant to the Chiropractic Initiative
6 Act, and who is operating consistent with the laws governing his
7 or her respective scopes of practice in the state in which he or she
8 provides telephone medical advice services.

9 ~~SEC. 54.~~

10 *SEC. 53.* Section 4999.45 of the Business and Professions
11 Code, as amended by Section 54 of Chapter 473 of the Statutes of
12 2013, is amended to read:

13 4999.45. (a) An intern employed under this chapter shall:

14 (1) Not perform any duties, except for those services provided
15 as a clinical counselor trainee, until registered as an intern.

16 (2) Not be employed or volunteer in a private practice until
17 registered as an intern.

18 (3) Inform each client prior to performing any professional
19 services that he or she is unlicensed and under supervision.

20 (4) Renew annually for a maximum of five years after initial
21 registration with the board.

22 (b) When no further renewals are possible, an applicant may
23 apply for and obtain a subsequent intern registration number if the
24 applicant meets the educational requirements for registration in
25 effect at the time of the application for a subsequent intern
26 registration number and has passed the California law and ethics
27 examination described in Section 4999.53. An applicant issued a
28 subsequent intern registration number pursuant to this subdivision
29 shall not be employed or volunteer in a private practice.

30 (c) This section shall become operative on January 1, 2016.

31 ~~SEC. 55.~~

32 *SEC. 54.* Section 4999.46 of the Business and Professions
33 Code, as amended by Section 3 of Chapter 435 of the Statutes of
34 2014, is amended to read:

35 4999.46. (a) To qualify for the licensure examination specified
36 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
37 shall complete clinical mental health experience under the general
38 supervision of an approved supervisor as defined in Section
39 4999.12.

(b) The experience shall include a minimum of 3,000 postdegree hours of supervised clinical mental health experience related to the practice of professional clinical counseling, performed over a period of not less than two years (104 weeks), which shall include:

(1) Not more than 40 hours in any seven consecutive days.

(2) Not less than 1,750 hours of direct counseling with individuals, groups, couples, or families in a setting described in Section 4999.44 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(3) Not more than 500 hours of experience providing group therapy or group counseling.

(4) Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth in accordance with Section 2290.5.

(5) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section 1820 of Title 16 of the California Code of Regulations.

(6) Not more than a combined total of 1,250 hours of experience in the following related activities:

(A) Direct supervisor contact.

(B) Client centered advocacy.

(C) Not more than 250 hours of experience administering tests and evaluating psychological tests of clients, writing clinical reports, writing progress notes, or writing process notes.

(D) Not more than 250 hours of verified attendance at workshops, seminars, training sessions, or conferences directly related to professional clinical counseling that are approved by the applicant's supervisor.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

1 (e) All applicants and interns shall be at all times under the
2 supervision of a supervisor who shall be responsible for ensuring
3 that the extent, kind, and quality of counseling performed is
4 consistent with the training and experience of the person being
5 supervised, and who shall be responsible to the board for
6 compliance with all laws, rules, and regulations governing the
7 practice of professional clinical counseling.

8 (f) Experience obtained under the supervision of a spouse or
9 relative by blood or marriage shall not be credited toward the
10 required hours of supervised experience. Experience obtained
11 under the supervision of a supervisor with whom the applicant has
12 had or currently has a personal, professional, or business
13 relationship that undermines the authority or effectiveness of the
14 supervision shall not be credited toward the required hours of
15 supervised experience.

16 (g) Except for experience gained pursuant to subparagraph (D)
17 of paragraph (6) of subdivision (b), supervision shall include at
18 least one hour of direct supervisor contact in each week for which
19 experience is credited in each work setting.

20 (1) No more than six hours of supervision, whether individual
21 or group, shall be credited during any single week. This paragraph
22 shall apply to supervision hours gained on or after January 1, 2009.

23 (2) An intern shall receive at least one additional hour of direct
24 supervisor contact for every week in which more than 10 hours of
25 face-to-face psychotherapy is performed in each setting in which
26 experience is gained.

27 (3) For purposes of this section, “one hour of direct supervisor
28 contact” means one hour of face-to-face contact on an individual
29 basis or two hours of face-to-face contact in a group of not more
30 than eight persons in segments lasting no less than one continuous
31 hour.

32 (4) Notwithstanding paragraph (3), an intern working in a
33 governmental entity, a school, a college, or a university, or an
34 institution that is both nonprofit and charitable, may obtain the
35 required weekly direct supervisor contact via two-way, real-time
36 videoconferencing. The supervisor shall be responsible for ensuring
37 that client confidentiality is upheld.

38 (h) This section shall become operative on January 1, 2016.

1 ~~SEC. 56.~~

2 *SEC. 55.* Section 4999.55 of the Business and Professions Code
3 is amended to read:

4 4999.55. (a) Each applicant and registrant shall obtain a
5 passing score on a board-administered California law and ethics
6 examination in order to qualify for licensure.

7 (b) A registrant shall participate in a board-administered
8 California law and ethics examination prior to his or her registration
9 renewal.

10 (c) Notwithstanding subdivision (b), an applicant who holds a
11 registration eligible for renewal, with an expiration date no later
12 than June 30, 2016, and who applies for renewal of that registration
13 between January 1, 2016, and June 30, 2016, shall, if eligible, be
14 allowed to renew the registration without first participating in the
15 California law and ethics examination. These applicants shall
16 participate in the California law and ethics examination in the next
17 renewal cycle, and shall pass the examination prior to licensure or
18 issuance of a subsequent registration number, as specified in this
19 section.

20 (d) If an applicant fails the California law and ethics
21 examination, he or she may retake the examination, upon payment
22 of the required fees, without further application, except as provided
23 in subdivision (e).

24 (e) If a registrant fails to obtain a passing score on the California
25 law and ethics examination described in subdivision (a) within his
26 or her renewal period on or after the operative date of this section,
27 he or she shall complete, at minimum, a 12-hour course in
28 California law and ethics in order to be eligible to participate in
29 the California law and ethics examination. Registrants shall only
30 take the 12-hour California law and ethics course once during a
31 renewal period. The 12-hour law and ethics course required by
32 this section shall be taken through a continuing education provider
33 as specified by the board by regulation, a county, state, or
34 governmental entity, or a college or university.

35 (f) The board shall not issue a subsequent registration number
36 unless the registrant has passed the California law and ethics
37 examination.

38 (g) Notwithstanding subdivision (f), an applicant who holds or
39 has held a registration, with an expiration date no later than January
40 1, 2017, and who applies for a subsequent registration number

1 between January 1, 2016, and January 1, 2017, shall, if eligible,
2 be allowed to obtain the subsequent registration number without
3 first passing the California law and ethics examination. These
4 applicants shall pass the California law and ethics examination
5 during the next renewal period or prior to licensure, whichever
6 occurs first.

7 (h) This section shall become operative January 1, 2016.

8 ~~SEC. 57.~~

9 *SEC. 56.* Section 4999.76 of the Business and Professions Code
10 is amended to read:

11 4999.76. (a) Except as provided in subdivision (c), the board
12 shall not renew any license pursuant to this chapter unless the
13 applicant certifies to the board, on a form prescribed by the board,
14 that he or she has completed not less than 36 hours of approved
15 continuing education in or relevant to the field of professional
16 clinical counseling in the preceding two years, as determined by
17 the board.

18 (b) The board shall have the right to audit the records of any
19 applicant to verify the completion of the continuing education
20 requirement. Applicants shall maintain records of completed
21 continuing education coursework for a minimum of two years and
22 shall make these records available to the board for auditing
23 purposes upon request.

24 (c) The board may establish exceptions from the continuing
25 education requirement of this section for good cause, as defined
26 by the board.

27 (d) The continuing education shall be obtained from one of the
28 following sources:

29 (1) A school, college, or university that is accredited or
30 approved, as defined in Section 4999.12. Nothing in this paragraph
31 shall be construed as requiring coursework to be offered as part
32 of a regular degree program.

33 (2) Other continuing education providers as specified by the
34 board by regulation.

35 (e) The board shall establish, by regulation, a procedure for
36 identifying acceptable providers of continuing education courses,
37 and all providers of continuing education, as described in
38 paragraphs (1) and (2) of subdivision (d), shall adhere to procedures
39 established by the board. The board may revoke or deny the right
40 of a provider to offer continuing education coursework pursuant

1 to this section for failure to comply with this section or any
2 regulation adopted pursuant to this section.

3 (f) Training, education, and coursework by approved providers
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the
6 understanding or the practice of professional clinical counseling.

7 (2) Significant recent developments in the discipline of
8 professional clinical counseling.

9 (3) Aspects of other disciplines that enhance the understanding
10 or the practice of professional clinical counseling.

11 (g) A system of continuing education for licensed professional
12 clinical counselors shall include courses directly related to the
13 diagnosis, assessment, and treatment of the client population being
14 served.

15 (h) The board shall, by regulation, fund the administration of
16 this section through continuing education provider fees to be
17 deposited in the Behavioral Sciences Fund. The fees related to the
18 administration of this section shall be sufficient to meet, but shall
19 not exceed, the costs of administering the corresponding provisions
20 of this section. For the purposes of this subdivision, a provider of
21 continuing education as described in paragraph (1) of subdivision
22 (d) shall be deemed to be an approved provider.

23 (i) The continuing education requirements of this section shall
24 fully comply with the guidelines for mandatory continuing
25 education established by the Department of Consumer Affairs
26 pursuant to Section 166.

27 ~~SEC. 58.~~

28 *SEC. 57.* Section 4999.100 of the Business and Professions
29 Code, as amended by Section 66 of Chapter 473 of the Statutes of
30 2013, is amended to read:

31 4999.100. (a) An intern registration shall expire one year from
32 the last day of the month in which it was issued.

33 (b) To renew a registration, the registrant on or before the
34 expiration date of the registration, shall do the following:

35 (1) Apply for a renewal on a form prescribed by the board.

36 (2) Pay a renewal fee prescribed by the board.

37 (3) Notify the board whether he or she has been convicted, as
38 defined in Section 490, of a misdemeanor or felony, or whether
39 any disciplinary action has been taken by any regulatory or

1 licensing board in this or any other state, subsequent to the
2 registrant's last renewal.

3 (4) Participate in the California law and ethics examination
4 pursuant to Section 4999.53 each year until successful completion
5 of this examination.

6 (c) The intern registration may be renewed a maximum of five
7 times. Registration shall not be renewed or reinstated beyond six
8 years from the last day of the month during which it was issued,
9 regardless of whether it has been revoked. When no further
10 renewals are possible, an applicant may apply for and obtain a
11 subsequent intern registration number if the applicant meets the
12 educational requirements for registration in effect at the time of
13 the application for a subsequent intern registration number and
14 has passed the California law and ethics examination described in
15 Section 4999.53. An applicant who is issued a subsequent intern
16 registration number pursuant to this subdivision shall not be
17 employed or volunteer in a private practice.

18 (d) This section shall become operative on January 1, 2016.

19 ~~SEC. 59.~~

20 *SEC. 58.* No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.